Washington, Wednesday, January 19, 1955

TITLE 3—THE PRESIDENT EXECUTIVE ORDER 10590

ESTABLISHING THE PRESIDENT'S COMMITTEE ON GOVERNMENT EMPLOYMENT POLICY

WHEREAS it is the policy of the United States Government that equal opportunity be afforded all qualified persons, consistent with law, for employment in the Federal Government; and

WHEREAS this policy necessarily excludes and prohibits discrimination against any employee or applicant for employment in the Federal Government because of race, color, religion, or national origin, and*

WHEREAS it is essential to the effective application of this policy in all civilian personnel matters that all departments and agencies of the executive branch of the Government adhere to this policy in a fair, objective, and uniform manner.

NOW THEREFORE, by virtue of the authority vested in me by the Constitution and statutes, and as President of the United States, and consistent with the provisions of section 214 of the act of May 3, 1945, 59 Stat. 134 (31 U. S. C. 691) it is hereby ordered as follows:

Section 1. There is hereby established the President's Committee on Government Employment Policy (hereinafter referred to as the Committee) Committee shall be composed of five members, as follows: (a) One representative of the Civil Service Commission, to be designated by the Chairman thereof, (b) one representative of the Department of Labor to be designated by the Secretary of Labor, (c) one representative of the Office of Defense Mobilization, to be designated by the Director thereof, and (d) two public members to be appointed by the President. Not more than two alternate public members may be appointed by the President as he may deem necessary Three members of the Committee shall constitute a quorum, provided that at least one public member or alternate public member is present. The President shall designate the Chairman and the Vice-Chairman of the Committee, and each member of the Committee shall serve at the pleasure of the President.

SEC. 2. The Committee shall:

(a) Advise the President periodically as to whether the civilian employment practices in the Federal Government are in conformity with the non-discriminatory employment policy recited in the preamble of this order, and, whenever deemed necessary or desirable, recommend methods of assuring uniformity in such practices;

(b) At the request of the head of a department or agency, or the Employment Policy Officer thereof, consult with and advise them concerning non-discriminatory employment policies under this order and regulations of such department or agency relating to such policies;

(c) Consult with and advise the Civil Service Commission with respect to civil-service regulations relating to non-discriminatory practices under this order:

(d) Review cases referred to it under the provisions of this order and render advisory opinions on the disposition of such cases to the heads of the departments or agencies concerned;

(e) Make such inquiries and investigations as may be necessary to carry out its responsibilities under this section.

SEC. 3. The head of each executive department and agency shall be responsible for the effectuation of the policy of this order with respect to all civilian personnel matters under his authority and shall:

(a) Prescribe regulations for the administration of the employment policies under this order that will insure a complainant of an appeal to the proper authorities within his department or agency a fair hearing, and a just disposition of his case. The regulations shall in all cases provide that subsequent to the recommendations of the Employment Policy Officer, as provided in section 6 (b) of this order, and prior to the final decision of the department or agency and upon the written request of the complainant, the complainant's case shall be referred to the Committee for its review and an advisory opinion as provided under section 2 (d) of this order.

(b) File with the Committee a copy of the regulations prescribed for his agency

(Continued on net page)

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THE	PRES	IDENT
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pursuant to subsection (a) of this section, and report to the Committee all instances in which complaints are made regarding the actions of the department under the policy of this order, together with a statement of the disposition made of the complaint.

SEC. 4. The head of each executive department and agency or his designated representative, may refer any case coming within the purview of this order to the Committee for review and an advisory opinion whenever he deems necessary.

SEC. 5. The head of each executive department and agency shall designate an official of his department or agency as Employment Policy Officer, and shall designate such Deputy Employment Policy Officers as may be necessary to assist the Employment Policy Officer to effectively carry out the policy of this order. The position of Employment Policy Officer shall be established outside of the division handling the personnel matters of the department or agency concerned. Each Employment Policy Officer shall be under the immediate supervision of the head of his department or agency and shall be given the authority necessary to enable him to carry out his responsibilities under this order. All officials and employees of each department and agency shall be advised of the name of its Employment Policy Officer.

Sec. 6. Each Employment Policy Officer shall.

(a) Advise the head of his department or agency with respect to the preparation

of regulations, reports, and other matters pertaining to the policy of this order and the conformity therewith of the conduct of personnel matters in his department or agency.

(b) Receive and investigate complaints of alleged discrimination in personnel matters within his department or agency and make recommendations to appropriate administrative officials for such corrective measures as he may deemnecessary.

(c) Appraise the personnel operations of the department or agency at regular intervals to assure their continuing conformity to the policy expressed in this order.

SEC. 7. The Civil Service Commission shall in connection with its responsibilities under the law issue such regulations as may be necessary to implement the policy of this order.

SEC. 8. This order supersedes Executive Order No. 9980 of July 26, 1948, and

the Fair Employment Board established thereby in the Civil Service Commission is abolished. The records and property of the Fair Employment Board shall remain with the Civil Service Commission and shall be available for the use of the Committee.

DWIGHT D. EISENHOWER

THE WHITE HOUSE, January 18, 1955.

[F R. Doc. 55-533; Filed, Jan. 18, 1955; 11:01 a. m.]

RULES AND REGULATIONS

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1954 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 1, Corn]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1954 CROP CORN LOAN AND PURCHASE AGREEMENT PROGRAM

ELIGIBLE CORN

The regulations issued by Commodity Credit Corporation and Commodity Stabilization Service in 19 F R. 3365, 6902, and 7155 containing the specific requirements for the 1954-crop corn price support program are amended so that upon approval of the ASC State Committee farm storage loans may be made on ear corn grading No. 4 or No. 5 solely because of damaged kernels: Provided, That the percentage of heat damage does not exceed the percentage of heat damage for No. 3 corn: Provided further That the corn in other respects grades No. 3 or better, or No. 4 on the factor of test weight only.

Section 421.486 is amended by changing paragraph (d) thereof to read as shown below changing paragraph (e) to paragraph (f) changing paragraph (f) to paragraph (g) and inserting a new paragraph (e) which reads as shown below.

§ 421.486 Eligible corn. * * *

(d) Except as provided under paragraph (e) of this section, corn placed under loan must, except for moisture content, grade No. 3 or better, or No. 4 on the factor of test weight only but otherwise No. 3 or better, and must meet the following moisture requirements: For ear corn placed under a farmstorage loan, the moisture content must not exceed 20.5 percent if the corn is tendered for loan from time of harvest through February 1955; 19.0 percent if tendered for loan during March 1955 17.5 percent if tendered for loan during April 1955, and 15.5 percent if tendered for loan during May 1955. For corn placed under a warehouse-storage loan. and for shelled corn placed under a farm-storage loan, the moisture content must not exceed 13.5 percent irrespective of when the corn is tendered for loan.

(e) Upon approval of the State Committee, the County Committees are authorized to make farm-storage loans on ear corn grading No. 4 or No. 5 solely because of damaged kernels: Provided, That the percentage of heat damage does not exceed the percentage of heat damage permitted for grade No. 3 corn: And provided further That the corn in other respects grades No. 3 or better, or No. 4 on the factor of test weight only Corn meeting the eligibility requirements as stated in this paragraph will be subject to discounts from the basic county support rates, as specified in § 421,494 (a) (3) (1954 C. C. C. Grain Price Support Bulletin 1, Supplement 2, Corn) The amount of such discounts will be com-The puted at the time the loan is made and will be deducted in computing the amount of the loan. Settlement for such corn delivered to CCC shall be made in accordance with § 421.493.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U. S. C. 714c, 7 U. S. C. 1441, 1421)

Issued this 13th day of January 1955.

[SEAL] WALTER C. BERGER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F R. Doc. 55-439; Filed, Jan. 18, 1955; 8:49 a. m.]

[1954 C. C. C. Grain Price Support Bulletin 1, Supp. 2, Amdt. 1, Corn]

Part 421—Grains and Related Commodities

SUBPART—1954 CROP CORN LOAN AND PURCHASE AGREEMENT PROGRAM

BASIC COUNTY SUPPORT RATES

The regulations issued by Commodity Credit Corporation and Commodity Stabilization Service published in 19 F R. 3365, 6902, 7155, and F R. Doc. 55-439, supra, containing the specific requirements for the 1954-crop corn price support program are amended by adding the following paragraph (a) (3) to § 421.494 listing the discounts from the basic county support rates applicable to corn placed under loan pursuant to § 421.486 (e)

§ 421.494 Support rates—(a) County support rates. * * *

(3) (i) The discounts from the basic county support rates specified in sub-

paragraph (2) of this paragraph for ear corn which meets the eligibility requirements of § 421.486 (e) (1954 CCC Grain Price Support Bulletin 1, Supplement 1, Corn) shall be as follows:

	Discount
	per bushel
Percent of damage:	(cents)
7.1 to 8	
8.1 to 9	4
9.1 to 10	5
10.1 to 11	6
11.1 to 12	7
12.1 to 13	
13.1 to 14	
14.1 to 15	

(ii) The amount of such discounts will be computed at the time the loan is made and will be deducted in computing the amount of the loan.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U. S. C. 714c, 7 U. S. C. 1441, 1421)

Issued this 13th day of January 1955.

[SEAL] WALTER C. BERGER, Acting Executive Vice President, Commodity Credit Corporation.

[F R. Doc. 55-438; Filed, Jan. 18, 1955; 8:49 a. m.]

TITLE 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

PART 24—SANITATION, HEALTH, AND QUARANTINE

MEXICO

Pursuant to the authority vested in the Governor by Rule 119qq of Executive Order No. 4314 of September 25, 1925, as amended by Canal Zone Order No. 15 of July 15, 1948 (35 CFR 24.102) § 24.102a, as amended by Governor's regulations of October 14, 1952, 17 F R. 10559, October 15, 1953, 18 F R. 7177, October 30, 1953, 18 F R. 7192, and May 28, 1954, 19 F R. 3419, is hereby further amended by deleting Mexico from the list of designated countries in which it is determined that foot-and-mouth disease or rinderpest exists.

(Sec. 1, 39 Stat. 527, as amended; 2 C. Z. Code 371, 372, 48 U. S. C. 1310)

Issued at Balboa Heights, Canal Zone, January 10, 1955.

[SEAL]

J. S. SEYBOLD, Governor

[F R. Doc. 55-434; Filed, Jan. 18, 1955; 8:48 a. m.]

0

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt 123]

Part 609—Standard Instrument Approace Procedures

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety Compliance with the notice procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required

Part 609 is amended as follows:

Nors: Where the general classification (LFR VAR ADF ILS GCA or VOR) location and procedure number (if any) of any procedure in the amendments which follow are identical with an existing procedure that procedure is to be substituted for the existing one as of the effective date given to the existing trocedure is to be substituted for the existing procedure; where a procedure is canceled the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended

1 The automatic direction finding procedures prescribed in § 609 8 are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Cellings are in feet above alroort elevation is conducted at the below named alroort, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Alemanistrator for Civil Aeronautics for such alroort. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for an route operation in the particular area or as set forth below.

Brea or as set loren below										
							Celling an	Ceiling and visibility minimums	olnimums	•
City and State; airport name, elevation; facility: class and identifies from procedure No.	Initial approach to facility	6 0 to	ie B	Procedure turn () sic final approach α (outbound and inbou	Minimum altitude over facility on	Course and distance,		Туре	Type strengft	If visual contact not established at author ized landing minimums after passing facility within distance specified or if
effective date		tance	Ê	autitudes; limiting dis tances	nnal approach course (ft)	port	Condition	75 m. p. h or less	More than 75 m p h	landing not accomplished
-	2	m	-	k)	9	7	80	8	10	11
EL PASO, TEX. International 3 936	SUPERSEDED BY COM	SINATION	N ILS-AD	SUPERSEDED BY COMBINATION ILS-ADR PROCEDURE NO 1 DATED FEBRUARY 19 1955	ATED FEBRI	JARY 19 1955				
LOM-EL Procedure No 1 Amendment No 1; August 1 1950							/			
FORT SMITH, ARK, Municipal 460' LOM-FS, Procedure No. 1 Amendment 2. Effective date: April 21 1933	SUPERSEDED BY COM	BINATIO	N ILS-AL	SUPERSEDED BY COMBINATION ILS-ADF PROCEDURE DATED FEBRUARY 19 1955) FEBRUÁRY	19 1955				
NEW ORLEANS LA	New Orleans VOR	060—6.0	1 400	S side of course:	900' over LFR	LFR to air	T. dn.	2 engines or less		Within 3.2 miles after passing Bayou St, John FM turn right, climb to 1400' on
New Orleans, 8. SBRAZ-VDT MSY Procedure No. 1	Intersection 360 bearing to La Place MHW (final)	092—17 0	006	092 inbound. 1,400' within 10 miles	Bayou St. John FM*	Bayon St	Ç. A G. G. G.	800-1 800-2	800-1 800-2	course of 073° within 25 miles. If Bayou St John FM not received descent below 907 not anthorized
Amendment No 1 Effective date: February 19 1955. Supersedes Amendment Orig final February 1, 1952. Major folanges: Frovides new transitions. Changes FM name Lowers altitude over FM on final Adds notes	Radar vectoring approved from any point in terminal area to LFR at transition altitude of 1,500° Radar control must provide 3 mile lateral or 100° vertical septeration from 623° radio tower located 102 miles SE of MSY LFR			authorized		ar a	Mor C-dn A-dn	More than 2 engines din din din	nes 300-1 500-1}4 800-2	Z

ofide

The very high frequency omnirange procedures prescribed in § 609 9 (a) are amended to read in part: 8

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL Ceilings are in feet above airport elevation and airport, it shall be in accordance with the following instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach is conducted at the below named airport. In this approaches shall be made over specified routes Minimum altitude(s) shall correspond with those established for enroute operation in the particular area or as set forth below

					Minimi		Celling an	Celling and visibility minimums	infmums	
City and State; airport name, elevation; facility; class and	Initial approach to facility	Course Minimun and altitude	Minimum	Procedure turn (—) side of final approach course (outbound and inbound);	altitude over facility	Course and distance,		Type sircraft	ircraft	If visual contact not established at author ized landing minimums after passing facility within distance specified or if land
Identification, procedure Ivo, effective date	- 170	distance	Î		approach course (ft)	airport	Condition	75 m. p. h More than or less 75 m p h	More than 75 m p h	ing not accomplished
1	G	8	4	NO.	ę	7	80	6	10	11
MISSOULA, MONT.	Alberton FM (final)	097—17 0	6, 20	N side of course:	6 200	Facility on	 - - - -	All sircraft	2 500-2	Within 0 mile turn right and climb to 9,000' on course 276° outbound from MSO-VOR
Missous County 5 205 BVOR-MSO Procedure No 1	Missoula LFR	120-2 5	6, 200	00 097 inbound. 8,000' within 10 miles			A P P	3 000-2	3 000-2	within 10 miles Procedure turn N for more favorable terrain
Original, Effective: February 19 1955									•	

The instrument landing system procedures prescribed in § 609 11 are amended to read in part:

က

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings headings, and courses are magnetic Distances are in statuto miles unless otherwise indicated Elevations and altitudes are in feet, MSL. Collings are in feet above airport elevation.

If an ILS instrument approach is conducted at the below named airport is shall be in accordance with a different procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport initial approaches shall be made over specified routes Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

	If visual contact not established upon descent to authorized land	is of in tauring no	13	4 6 miles after passing LOM (ADF turn left to 125° M and climb to	5 000; intercept and proceed S of	when directed by ATC intercepand proceed south on radial 151	within 25 miles ILS minimums ar	400-34 when glide slope not utilized ZAUTION: No approach lights. NOTE: 200-15 suthorized when the	ceeds by 3,000' the runway length required by applicabil	aircraft performance require ments of the CAR's and high	operating on the full length o		
·				4 6 miles after p	5 000; interc			0.		ments of th	operating or	the runway	•
ninimums	Type aircraft	More than 75 m p h	13		500-1	300-34		1gines 200-15 500-135	300-34	400-1		600-2	800-2
visibility	Type	75 m p h or less	11	2 engines or less	400-1	300-34	400-1	More than 2 engines T-dn 200 C-dn 500			All aircraft	600-2	800-2
Celling and visibility minimums		Condition	10	2 en	Ç-dı	S-dn 22	ADF	T Wor	S-dn 22 ILS	ADF		Adn	ADF
dide slope store sp	of runway	Middle marker	ß	4 120-0 3									
Altitude of glide slope and distance to ap	proach end at-	Outer marker	8	5 000-4 3									
Minimum alti tude at glide slope intercep tion inbound (ft)			7	ILS 5 000	ADF 4,500	OVEL LOM							_
Procedure turn (-) side of final approach course (outbound and inbound); altitudes; limiting distances			9	N side of NE	038° outbound	5 000' within 10	Not suthorized	miles					
	Ā	mum al titudes (ft)	20	5 000	5,000	7 000	5 000	2 000					
		Course and dis tance	-	318-4 5	327-4 0	269-20 0	193-8 0	038—6.0					_
Transition to ILS		-0-L	8	ОМ		гом	LOM	гом					
Tra		From-	2	ELP-VOR	ELP-LFR	Hueco Mt FM	Nеwman МНW	Intersection W course ELP LFR and NE course ILS					
	Olty and State; alroort name, elevation; facility:	procedure No; effective	1	EL PASO, TEX.	ILS-IELP	LOM-EL Combination ILS-	Procedure No. 1	American Arte: Febru ary 19, 1955 Supersedes ILS Amend ment 6, May 20, 1953	and ADF Amend ment 1 August 1 1950	Major changes: ADF procedure added to	this form Newman	ation change Add	ized note

(F) to on or, to on, or, to on, or, to on, or, to on, or, the ex are ex asy ble ex are of of or

Marie 1

Administrator of Civil Aeronautics

FB LE

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형
ROCEDURE-
APPROACH F
INSTRUMENT A
ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

	If visual contact not established upon descent to authorized land	acomplished	13	Climb to 1,800' on radial 235.	(ADF) climb to 1,800° on course of 253° within 15 miles. No approach lights 2,4n II.8 600–34	required when GS not utilized Als CARRIER NOTES: 300-1 re-	dured for 1 O. fullway 1-15 Freeze page paragraphs 26 27	A 1 1 0 1 1					1
oinimums	Type aircraft	More than 75 m p h	12	8 200 1	600-1 600-1 600-2	300-3%	500-1	200-14 600-14	300-3%	200-1			
visibility r	Type	75 m p h or less	11	gines or les	0-n 600-2	300-34	500-1	More than 2 engines T-dn 200-1/2 200			All sircraft	600-2	800 2
Ceiling and visibility minimums		Condition	10	2 en	100	8-25 dn ILS	ADF	T Hong	8-25 dn ILS	ADF	\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \	A-dn ILS	ADF
lide slope	of runway	Middle marker	6	9 0099							-		
Altitude of gilde slope and distance to approach end of runway at- Outer Middle marker 8 9 1 615-4.0 660-0 6													
	Minimum alti tude at glide slope intercep	tion inbound (ft)	7	ILS 1 700	over LOM								
Procedure turn		inbound); alti tudes; limiting distances	9	N side of course:	253 inbound 1 800' within 10	Beyond 10 miles	Ized						
	Mini	mum al titudes (ft)	9	1 600	1 600	1 600		1, 700	2 000				
	,	course and dis tance	4	192—3 0	253-12.0	253—11 0		073-4.0	142-13 0				
Transition to ILS	To-		3	МО	гом	мо		гом	гом				
Trai		From-	2	Fort Smith VOR	Intersection E course ILS and 108° bearing from Ver Burga "H"	Intersection E course ILS	VOR	Intersection E course ILS 160° bearing from Van Buren "H"	Van Buren H				
	City and State; airport name, elevation; facility: class and identification;	procedure No ; effective date	1	FORT SMITH, ARK	ILS-IFSM LOM-irs Combinetion II.S and	ADF Procedure No 1	February 19 1955	124					

(Sec 205 52 Stat 984 as amended; 49 U S C 425 Interpret or apply sec 601 52 Stat 1007 as amended; 49 U S C 551) These procedures shall become effective on the dates indicated in Column 1 of the procedures

[SEAL]

[F R Doc 55-424; Filed Jan 18 1955; 8:45 a m]

Adjustment of errors in payments
Eutterfat differential to producers
Location differentials to producers
Marketing services
Expense of administration
Termination of obligations Time and method of payment for Producer settlement fund Payments to the producer settlement fund Payments out of the producer-EFFECTIVE TIME SUSPENSION OR TERMINATION Suspension or termination, Continuing obligations Separability of provisions MISCELLANEOUS PROVISIONS settlement fund PAYMENTS producer milk Effective time Liquidation Agents 977 100 977 101 Sec 977 80 977 81 977 82 977 84 977 85 977 86 977 87 977 88 977 90 977 91 977 92 977 93 977 83 Allocation of skim milk and putter-Plants subject to other Federal Computation of the value of producer milk for each handler Computation of the uniform price Handlers operating nonpool plants Computation of skim milk and but terfat in each class Butterfat differentials to handlers Location differentials to handlers DETERMINATION OF UNIFORM PRICE TO APPLICATION OF PROVISIONS MINIMUM PRICES Basic formula price Producer handlers fat classified Class prices Transfers orders Sec 977 43 977 44 977 50 977 51 977 52 977 53 977 60 977 61 977 70 977 45 977 62 977 71 Classes of utilization Responsibility of handlers and re-classification of milk Reports of receipts and utilization Reports of payments to producers Reports of producer handlers Records and facilities REPORTS RECORDS AND FACILITIES CLASSIFICATION OF MILK MARKET ADMINISTRATOR Basis of classification Retention of records Other source milk Producer Producer handler Producer milk Designation Pool milk Handler Powers Dutles 977 20 977 21 977 22 Sec 977 10 977 11 977 12 977 13 977 14 977 30 977 31 977 32 977 33 977 40 977 41 977 42 Chapter IX—Agricultural Marketing Orders), Department of Agriculture Service (Marketing Agreements and ORDER AMENDING THE ORDER AS AMENDED Paducah, Kentucky marketing area Distributing plant PART 977-MILK IN PADUCAH KENTUCKY TITLE 7—AGRICULTURE Findings and determinations Department of Agriculture [Docket No AO 183-A3] MARKETING AREA DEFINITIONS Nonpool plant Supply plant Pool plant Secretary 977 1 977 2 977 3 977 4 977 5 977 6 977 7 977 8

AUTHORITY: §§ 977.0 to 977.101 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

- § 977.0 Findings and determinations. The findings and determinations heremafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with findings and determinations set forth herein.
- (a) Findings upon the basis of the hearing record. Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Paducah, Kentucky marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:
- (1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act:
- (2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and
- (3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.
- (b) Additional findings. It is necessary in the public interest, to make this order, amending the order, as amended, effective February 1, 1955. Any delay beyond that date in the effective date of this order would unnecessarily postpone needed changes in the order.

The provisions of the said order are well known to handlers. The recommended decision containing all amendment provisions of this order was issued November 26, 1954 (19 F R. 7895) The decision of the Secretary concerning the proposed amendments was issued December 29, 1954, (20 F R. 67) The changes effected by this order will not require extensive preparation or susbtantial alteration in method of operation for handlers. It is hereby found, therefore, that good cause exists for making this order effective February 1, 1955. (Sec.

- 4 (c) Administrative Procedure Act, 5 U. S. C. 1001 et seq.)
- (c) Determinations. It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping milk covered by this order amending the order, as amended, which is marketed within the Paducah, Kentucky marketing area) of more than 50 percent of the milk which is marketed within the said marketing area refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area and it is hereby further determined that:
- (1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;
- (2) The issuance of this order amending the order, as amended, is the only practical means pursuant to the declared policy of the act of advancing the interests of producers of milk which is produced for sale in the marketing area, and
- (3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (November 1954) were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Paducah, Kentucky marketing area shall be in conformity to and in compliance with the following terms and conditions:

DEFINITIONS

- § 977.1 Act. "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.)
- § 977.2 Secretary. "Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.
- § 977.3 Department of Agriculture. "Department of Agriculture" means the United States Department of Agriculture, or such other Federal agency authorized to perform the price reporting functions specified in this part.
- § 977.4 Person. "Person" means any individual, partnership, corporation, association, or other business unit.
- § 977.5 Paducah, Kentucky, marketing area. "Paducah, Kentucky marketing area," hereinafter called the "marketing area," means all the territory within the boundaries of McCracken County Kentucky.
- § 977.6 Distributing plant. "Distributing plant" means a plant in which milk is processed and packaged and from which Class I milk is disposed of during the month on routes (including routes operated by vendors) or through plant stores to wholesale or retail outlets (except pool plants) located in the marketing area.

- § 977.7 Supply plant. "Supply plant" means a plant (except a distributing plant) which is qualified as a pool plant pursuant to the proviso in § 977.8 (b) or a plant from which milk or skim milk which may be distributed in the marketing area under a Grade A label is supplied during the month to a plant qualified pursuant to § 977.8 (a)
- § 977.8 Pool plant. "Pool plant" means:
- (a) A distributing plant from which not less than 45 percent of its receipts of producer milk and pool milk from plants qualified pursuant to paragraph (b) of this section is distributed during the month as Class I milk on routes to wholesale or retail outlets (including plant stores) except pool plants or nonpool plants, and from which no less than 10 percent of such receipts is distributed as Class I milk during the month on routes to wholesale or retail outlets (including plant stores) except pool plants or nonpool plants, located in the marketing area. Provided, That a plant which qualifies as a pool plant by complying with the foregoing percentages during any month shall be a pool plant during the following month; or
- (b) A distributing plant or supply plant from which the volume of milk, skim milk and cream shipped to pool plants qualified pursuant to paragraph (a) hereof, or distributed on routes as Class I milk to retail or wholesale outlets (including plant stores) except pool plants or nonpool plants, located in the marketing area is equal to no less than 50 percent of the pool milk received at the plant: Provided, That if a supply plant ships to pool plants qualified pursuant to paragraph (a) hereof, milk, skim milk and cream equal to at least 75 percent of its producer milk in October and November and 35 percent of such milk in three additional months during the period from August through January such plant shall, upon written application to the market administrator on or before the end of such period, be designated as a pool plant until the end of any month during the succeeding August through January period in which the milk of such plant is disposed of in such a way that it becomes impossible for the plant to reestablish its qualification under the terms of this proviso.
- § 977.9 Nonpool plant. "Nonpool plant" means any milk receiving, manufacturing, or processing plant other than a pool plant.
- § 977.10 Handler "Handler" means:
 (a) Any person in his capacity as the operator of a distributing plant or a supply plant; (b) a producer-handler or (c) a cooperative association qualified pursuant to § 977.87 (b) with respect to milk of producers diverted for the account of such association from a pool plant to a nonpool plant.
- § 977.11 Producer "Producer" means any person, except a producer-handler, who produces milk under a Grade A darry farm permit or rating issued by a duly constituted health authority, which milk is delivered from the farm to a pool plant or diverted during the months of February through August from a pool

plant to a nonpool plant for the account of a handler. Milk so diverted shall be deemed to have been received at a pool plant by the handler for whose account the milk was diverted.

Producer-handler "Pro-8 977.12 ducer-handler" means any person who operates a dairy farm and a distributing plant, from which Class I milk is distributed within the marketing area but which receives no other source milk or milk from other dairy farmers.

§ 977.13 Producer milk. "Producer milk" means the skim milk or butterfat contained in milk (a) received at the pool plant directly from producers, or (b) diverted from a pool plant to a nonpool plant in accordance with the conditions set forth in § 977.11.

§ 977.14 Pool milk. "Pool milk" means skim milk or butterfat contained in producer milk or in products designated as Class I milk pursuant to § 977.41 (a) received from a pool plant (except the plant of a producer-handler) which are approved by the appropriate health authority for distribution as Class I milk in the marketing area.

§ 977.15 Other source milk. "Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month in the form of products designated as Class I milk pursuant to § 977.41 (a) except (1) such products approved by the appropriate health authority for distribution as Class I milk in the marketing area which are received from pool plants, or (2) producer milk; and

(b) Products designated as Class II milk pursuant to § 977.41 (b) (1) from any source (including those from a plant's own production) which are reprocessed or converted to another product in the plant during the month.

MARKET ADMINISTRATOR

§ 977.20 Designation. The agency for the administration of this order shall be a market administrator, selected by the Secretary who shall be entitled to such compensation as may be determined by and shall be subject to removal at the discretion of, the Secretary.

§ 977.21 Powers. The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions:

(b) To make rules and regulations to effectuate its terms and provisions:

(c) To receive, investigate, and report to the Secretary complaints of violations; and

(d) To recommend amendments to the Secretary.

§ 977.22 Duties. The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary.

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions:

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator.

(d) Pay out of the funds received pursuant to § 977.83: (1) The cost of his bond and of the bonds of his employees, (2) his own compensation, and (3) all other expenses, except those incurred under § 977.87 necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties:

(e) Keep such books and records as will clearly reflect the transactions provided for in this section, and, upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(f) Publicly disclose to handlers and producers, at his discretion, the name of any handler who, after the date on which he is required to perform such acts, has not made reports pursuant to §§ 977.30 through 977.33 or payments pursuant to §§ 977.62 and 977.80 through 977.88.

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary.

(h) Upon request, report, on or before the 25th day after the end of each month, to each cooperative association described in § 977.87 (b) the percentage of milk which was caused to be delivered by such association or by its members and which was used in each class by each handler receiving any such milk. For the purpose of this report the milk so received shall be prorated to each class in the proportion that the total receipts of milk from producers by such handler were used in each class:

(i) Verify all reports and payments of each handler by audit, if necessary, of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends;

(j) Prepare and make available for the benefit of producers, consumers, and handlers, general statistics and information concerning the operation of this order and

(k) Publicly announce, by posting in his office and by other means he deems appropriate, on or before:

(1) The 5th day of each month, the minimum price for Class I milk, pursuant. to § 977.51 (a) and the Class I butterfat differential, pursuant to § 977.52 (a) both for the current month; and the minimum price for Class II milk, pursuant to § 977.51 (b) and the Class II butterfat differential, pursuant to § 977.52 (b) both for the preceding month ..

(2) The 10th day after the end of each month, the uniform price, pursuant to § 977.71, and the producer butterfat differential, pursuant to § 977.85.

REPORTS RECORDS AND FACILITIES

§ 977.30 Reports of receipts and utilization. On or before the 6th day after the end of each month, each handler, except a producer-handler, shall report for such month to the market administrator in the detail and on forms prescribed by the market administrator.

(a) The quantities of skim milk and butterfat contained in all receipts at each of his distributing and supply plants of (1) producer milk, (2) skim milk or butterfat contained in products designated as Class I milk, pursuant to § 977.41 (a) received from pool plants, and (3) other source milk:

(b) The quantities of skim milk and butterfat contained in producer milk diverted to nonpool plants pursuant to § 977.11

(c) The utilization of all skim milk and butterfat required to be reported pursuant to paragraphs (a) and (b) of this section, including a separate statement of the disposition of Class I milk outside the marketing area,

(d) Inventories of Class I milk on hand at the beginning and end of the month.

(e) The name and address of each producer from whom milk was not received during the previous month, and the date on which milk was first received from such producer and

(f) The name and address of each producer who discontinues deliveries of milk, and the date on which milk was last received from such producer.

§ 977.31 Reports of payments to producers. On or before the 20th day after the end of each month, each handler shall report to the market administrator on forms approved by the market administrator his producer payroll for such month which shall show for each producer (a) the total pounds of milk received from such producer with the average butterfat content thereof, (b) the net amount of the payment made to such producer together with the price. deductions, and charges involved, and (c) the amount and nature of any payments made pursuant to § 977.84.

§ 977.32 Reports of producer-handlers. Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may request and shall permit the market administrator to verify such reports.

§ 977.33 Records and facilities. Each handler shall keep adequate records of receipts and utilization of milk and milk products and shall, during the usual hours of business, make available to the market administrator or his representative such records and facilities as will enable the market administrator to verify or establish the correct data with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form during the month;

(b) The weights and butterfat and other content of all milk, skim milk, cream and other milk products handled during the month;

(c) The amount and nature of deductions authorized by producers, and disbursements of any money so deducted; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream or other milk products on hand at the beginning and end of the month.

§ 977.34 Retention of records. All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: Provided, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records. or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

' CLASSIFICATION OF MILK

§ 977.40 Basis of classification. All skim milk and butterfat at a pool plant and which is required to be reported pursuant to § 977.30 shall be classified by the market administrator pursuant to the provisions of §§ 977.41 through 977.46.

§ 977.41 Classes of utilization. The classes of utilization shall be as follows:

(a) Class'I milk. Class I milk shall be all skim milk and butterfat (1) disposed of in fluid form as milk, buttermilk, milk drinks (whether plain or flavored) and cream, and (2) all milk, skim milk and cream not specifically accounted for as Class II milk;

- (b) Class II milk. Class II milk shall be all skim milk and butterfat (1) used to produce a product other than those specified as Class I milk, (2) contained in inventory of milk and milk products designated as Class I milk pursuant to § 977.41 (a) (1) on hand at the end of the month, and (3) as plant shrinkage not to exceed 2 percent of the total receipts of skim milk and butterfat respectively in producer milk (except milk diverted pursuant to § 977.11) and other source milk: Provided, That such shrinkage shall be assigned pro rata to such producer milk and other source milk.
- § 977.42 Responsibility of handlers and reclassification of milk. (a) All skim milk and butterfat shall be classified as Class I milk unless the handler who first receives such skim milk and butterfat proves to the market administrator that such skim milk and butterfat should be classified in another class.
- (b) Any skim milk or butterfat classified in one class shall be reclassified if verification by the market administrator reveals that such classification was incorrect.

§ 977.43 Transfers. Skim milk and butterfat disposed of from a pool plant shall be classified:

(a) As Class I milk if transferred in the form of products designated as Class I milk pursuant to § 977.41 (a) to a pool plant of another handler, except a producer-handler, unless utilization in a product specified in § 977.41 (b) is claimed in the reports submitted to the market administrator by both handlers on or before the 6th day after the end of the month within which such transaction occurred. Provided, That skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 977.45, and any additional amounts of skim milk or butterfat so transferred shall be assigned to Class I

(b) As Class I milk if transferred in the form of products designated as Class I milk pursuant to § 977.41 (a) to the plant of a producer-handler.

(c) As Class I milk if transferred or diverted in bulk form as milk, skim milk or cream to a nonpool plant, unless (1) utilization in a product specified in § 977.41 (b) is indicated in writing to the market administrator by the operator of the pool plant on or before the 6th day after the end of the month within which such transaction occurred. (2) the operator of the nonpool plant maintains books and records showing the utilization of all milk and milk products at such plant which are made available if requested by the market administrator for the purpose of verification, and (3) not less than an equivalent amount of skim milk and butterfat was actually used at the nonpool plant during the month in a product specified in § 977.41 (b) Provided. That skim milk and butterfat so transferred in excess of such actual use shall be classified as Class I milk.

§ 977.44 Computation of skim milk and butterfat in each class. For each month, the market administrator shall correct for mathematical and other obvious errors the reports submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for such handler · Provided. That if any of the water contained in the milk from which a product is made is removed, the pounds of skim milk used or disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product. plus all the water originally associated with such solids.

§ 977.45 Allocation of skim milk and butterfat classified. (a) The pounds of skim milk remaining in each class after making the following computations each month, with respect to the pool plant(s) of each handler, shall be the pounds of skim milk in such class allocated to the producer milk of such handler for such month.

(1) Subtract from the total pounds of skim milk in Class II milk the shrinkage of skim milk in producer milk-classified as Class II milk pursuant to § 977.41 (b)

- (2) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk in other source milk which was not subject to the Class I pricing provisions of an order issued pursuant to the act: *Provided*, That if the pounds of skim milk to be subtracted is greater than the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk:
- (3) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk in other source milk which was subject to the Class I pricing provisions of another order issued pursuant to the act: *Provided*, That if the pounds of skim milk to be subtracted are greater than the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk;
- (4) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk contained in inventory of products designated as Class I milk in § 977.41 (a) (1) on hand at the beginning of the month: Provided, That if the pounds of milk in such inventory exceed the remaining pounds of skim milk in Class II milk the balance shall be subtracted from the pounds of skim milk remaining in Class I milk;

(5) Subtract the pounds of skim milk in products designated as Class I milk pursuant to § 977.41 (a) (1) received from pool plants of other handlers from the pounds of skim milk remaining in the class to which assigned, pursuant to § 977.43 (a)

8 911.45 (a)

(6) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph,

(7) If the pounds of skim milk remaining in all classes exceed the pounds of skim milk in milk received from producers, subtract such excess from the pounds of skim milk remaining in the various classes in series beginning with the lowest price class.

(b) Determine the pounds of butterfat in each class to be allocated to producer milk in the manner prescribed in paragraph (a) of this section for determining the allocation of producer milk.

(c) Add the pounds of skim milk and the pounds of butterfat in each class calculated pursuant to paragraphs (a) and (b) of this section and determine the percentage of butterfat in the producer milk allocated to each class.

MINIMUM PRICES

§ 977.50 Basic formula price. The highest of the prices computed pursuant to paragraphs (a) (b) and (c) of this section, rounded to the nearest whole cent, shall be known as the basic formula price.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture:

Present Operator and Location

Borden Co., Mount Pleasant, Mich. Carnation Co., Sparta, Mich. Pet Milk Co., Hudson, Mich. Pet Milk Co., Wayland, Mich. Pet Milk Co., Coopersville, Mich. Borden Co., Orforcville, Wis. Borden Co., New London, Wis. Carnation Co., Chilton, Wis. Carnation Co., Berlin, Wis. Carnation Co., Richland Center, Wis. Carnation Co., Richland Center, Wis. Carnation Co., Oconomowoc, Wis. Pet Milk Co., New Glarus, Wis. Pet Milk Co., Belleville, Wis. White House Milk Co., Manitowoc, Wis. White House Milk Co., West Bend, Wis.

(b) The sum of the amounts determined pursuant to subparagraphs (1) and (2) of this paragraph less 75 cents.

(1) Multiply by 4.24 the simple average, as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) of 93 score bulk creamery butter per pound at Chicago, as reported by the Department of Agriculture, during the month. Provided, That if no price is reported for 93 score butter, the highest of the prices reported for 92 score butter for the day shall be used in lieu of the price for 93 score butter.

(2) Multiply by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk solids, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department of Agriculture.

(c) Or the price shall be the average of the basic (or field) prices reported to or ascertained by the market administrator to have been paid, or to be paid, without deductions for hauling or other charges to be paid by the farm shipper, for milk of 4.0 percent butterfat content received during the month by the Pet Milk Company at its manufacturing plant located at Mayfield, Kentucky less 5 times the butterfat differential calculated pursuant to § 977.52 (b)

§ 977.51 Class prices. Subject to the provisions of §§ 977.52 and 977.53, the class prices per hundredweight shall be as follows:

(a) Class I milk price. The price per hundredweight for Class I milk for the month shall be the basic formula price for the preceding month plus \$.70 for the months of April through July, and plus \$1.60 for all other months.

(b) Class II milk price. The price per hundredweight for Class II milk for the months of August through March shall be the basic formula price for the month and for the months of April through July the basic formula price for the month, minus ten cents: Provided, That in no case shall such price be less than the price determined pursuant to § 977.50 (c)

§ 977.52 Butterfat differentials to handlers. If the average butterfat test of Class I milk or Class II milk, as calculated pursuant to § 977.44, is more or less than 3.5 percent, there shall be added to, or subtracted from, as the case may be, the price for such class of utilization, for each one-tenth of 1 percent that such

average butterfat test is above or below 3.5 percent, a butterfat differential calculated for each class of utilization as follows:

(a) Class I milk. Multiply by 0.12 the average of the daily wholesale prices (using the midpoint of any price range as one price) of 92-score bulk creamery butter per pound at Chicago, as reported by the Department of Agriculture during the previous month, and round to the nearest one-tenth cent.

(b) Class II milk. Multiply the average of the daily wholesale selling prices (using the midpoint of any price range as one price) of 92 score bulk creamery butter per pound at Chicago, as reported by the Department of Agriculture during the month, by 0.115 for the months of August through March and by 0.11 for the months of April through July and round the resulting figure to the nearest one-tenth cent.

§ 977.53 Location differentials to handlers. For that milk which is received from producers at a plant located 40 miles or more from the McCracken County Court House in Paducah, Kentucky by shortest hard-surfaced highway distance, as determined by the market administrator, and which is transferred in the form of products designated as Class I milk in § 977.41 (a) (1) to another fluid milk plant and assigned to Class I pursuant to the proviso of this section, or otherwise classified as Class I milk, the price specified in § 977.51 (a) shall be reduced according to the rate set forth in the following schedule according to the location of the pool plant where such milk is received from producers:

Distance from McCracken County Rate
Court House (miles) (cents)
40 but less than 50 20
For each additional 10 miles or fraction thereof an additional 1

Provided, That for purposes of calculating such location differential, products so designated as Class I milk which are transferred between pool plants shall be assigned to any remainder of Class II milk in the transferee-plant after making the calculations prescribed in § 977.45 (a) (1) and (2) and the comparable step in (b) for such plant, and after deducting from such remainder an amount equal to no more than 0.05 times the skim milk and butterfat contained in the producer milk received at the transferee-plant, such assignment to transferor plants to be made in sequence according to the location differential applicable at each plant, beginning with the plant having the largest differential.

APPLICATION OF PROVISIONS

§ 977.60 Producer-handlers. Sections 977.30, 977.40 through 977.52, and 977.61 through 977.87 shall not apply to a producer-handler.

§ 977.61 Plants subject to other Federal orders. A plant specified in paragraph (a) or (b) of this section shall be considered as a nonpool plant except that the operator of such plant shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports

to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to § 977.30) and allow verification of such reports by the market administrator.

(a) Any distributing plant which would be subject to the classification and pricing provisions of another order issued pursuant to the act, unless a greater volume of Class I milk is disposed of from such plant to retail or wholesale outlets (except pool plants) in the Paducah marketing area than in the marketing area regulated pursuant to such other order.

(b) Any supply plant which would be subject to the classification and pricing provisions of another order issued pursuant to the Act unless such plant qualified as a pool plant pursuant to the proviso of § 977.8 (b) during the preceding August through January period.

§ 977.62 Handlers operating nonpool plants. Sections 977.43 through 977.46 and 977.70 through 977.83 shall not apply in the case of a handler in his capacity as the operator of a nonpool plant which is not subject to the classification and pricing provisions of another order issued pursuant to the act, except that such handler shall, on or before the 15th day after the end of each month, pay to the market administrator for deposit into the producer-settlement fund an amount calculated by multiplying the total hundredweight of butterfat and skim milk disposed of as Class I milk from such plant to retail or wholesale outlets (including deliveries by vendors and sales through plant stores) in the marketing area during the month, by the price arrived at by subtracting from the Class I price adjusted by the Class I butterfat and location differentials.

(a) For the months of March through July the Class II price adjusted by the Class II butterfat differential; or

(b) For the months of August through February the uniform price adjusted by the Class I location differential and by a butterfat differential calculated by multiplying the total volume of producer butterfat in each class during the month by the butterfat differential for each class, dividing the result by the total butterfat in producer milk and rounding the resultant figure to the nearest one-tenth cent.

DETERMINATION OF UNIFORM PRICE TO PRODUCERS

§ 977.70 Computation of the value of producer milk for each handler For each month, the market administrator shall compute the value of producer milk for each handler as follows:

(a) Multiply the quantity of producer milk in each class computed pursuant to § 977.46 by the applicable class price, total the resulting amounts, and add any amount necessary to reflect adjustments in location differential allowance required pursuant to the proviso of § 977.53.

(b) Add an amount computed as follows: Multiply the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 977.45 (a) (2) and (b) by the price arrived at by subtracting from the Class I price adjusted by the Class I butterfat differential and

the Class I location differential at the nearest plant(s) from which an equivalent amount of other source milk was received:

(1) For the months of March through July, the Class II price adjusted by the Class II butterfat differential, or

(2) For the months of August through February the uniform price adjusted by the Class I location differential and by a butterfat differential calculated by multiplying the total volume of producer butterfat in each class during the month by the butterfat differential for such class, dividing the result by the total butterfat in producer milk and rounding the resultant figure to the nearest one-tenth cent.

(c) Add the amounts computed by multiplying the pounds of overage deducted from each class pursuant to \$ 977.45 (a) (7) and (b) by the applica-

ble class price.

(d) Add the amount computed by multiplying the difference between the appropriate Class II price for the preceding month and the appropriate Class I price for the current month by the hundredweight of skim milk and butterfat remaining in Class II after the calculations pursuant to § 977.45 (a) (5) and (b) for the preceding month or the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 977.45 (a) (4) and (b) for the current month, whichever is less.

§ 977.71 Computation of the uniform price. For each month, the market administrator shall compute the uniform price per hundredweight of milk of 3.5 percent butterfat content, f. o. b. market, received from products as follows:

(a) Combine into one total the values computed pursuant to § 977.70 for all handlers who made the reports prescribed in § 977.30 and who are not in default of payments pursuant to § 977.82;

(b) Add an amount equivalent to the sum of the deductions for location differentials to be made from producer pay-

ments pursuant to § 977.80;

- (c) Subtract if the weighted average butterfat content of milk received from producers is more than 3.5 percent, or add if such average butterfat content is less than 3.5 percent, an amount computed by multiplying the producer butterfat differential by the difference between 3.5 and the average butterfat content of producer milk, and multiplying the resulting figure by the total hundredweight of such milk;
- (d) Add an amount equivalent to onehalf the unobligated balance in the producer-settlement fund,
- (e) Divide the resulting amount by the total hundredweight of producer milk; and
- (f) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (e) of this section. The resulting figure shall be the uniform price per hundredweight of milk testing 3.5 percent butterfat, f. o. b. the marketing area.

PAYMENTS

§ 977.80 Time and method of payment for producer milk. (a) Except as provided in paragraph (b) of this section.

each handler shall make payment to each producer from whom milk is received during the month as follows:

(1) On or before the last day of each month to each such producer who did not discontinue shipping milk to such handler before the 25th day of the month, an amount equal to not less than the Class II price for the preceding month multiplied by the hundredweight of milk received from such producer during the first 15 days of the month, less proper deductions authorized by such producer to be made from payments due pursuant to this subparagraph;

(2) On or before the 16th day of the following month, an amount equal to not less than the uniform price adjusted by the butterfat and location differentials to producers multiplied by the hundredweight of milk received from such producer during the month, subject to the following adjustments: (i) Less payments made such producer pursuant to subparagraph (1) of this paragraph, (ii) less marketing service deductions made pursuant to § 977.87, (iii) plus or minus adjustments for errors made in previous payments made to such producer, and (iv) less proper deductions authorized in writing by such producer. Provided, That if by such date such handler has not received full payment pursuant to § 977.85 from the market administrator for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after the receipt of the balance due from the market administrator.

(b) In the case of a cooperative association qualified pursuant to § 977.87 (b) which has so requested any handler in writing, such handler shall on or before the 2d day prior to the date on which payments are due individual producers pay the cooperative association for milk received during the month from the producer members of such association an amount equal to not less than the amount due such producer members pursuant to paragraph (a) of this section.

(c) Each handler who receives milk during the month from producers for which payment is to be made to a cooperative association pursuant to paragraph (b) of this section shall report to such cooperative association or to the market administrator for transmittal to such cooperative association for each such producer as follows:

(1) On or before the 25th day of the month, the total pounds of milk received during the first 15 days of such month;

(2) On or before the 7th day of the following month (i) the pounds of milk received each day and the total for the month, together with the butterfat content of such milk, (ii) the amount or rate and nature of deductions, and (iii) the amount and nature of payments due pursuant to § 977.84.

§ 977.81 Producer-settlement fund. The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into

which he shall deposit all payments made by handlers pursuant to §§ 977.62, 977.82 and 977.84, and out of which he shall make all payments pursuant to §§ 977.83 and 977.84. *Provided*, That payments due to any handler shall be offset by payments due from such handler.

§ 977.82 Payments to the producer-settlement fund. On or before the 12th day after the end of each month, each handler shall pay to the market administrator any amount by which the value of his milk, computed pursuant to § 977.70 for such month, is greater than an amount computed by multiplying the hundredweight of milk received by him from producers during the month by the uniform price adjusted by the producer butterfat and location differentials.

§ 977.83 Payments out of the producer-settlement fund. On or before the 13th day after the end of each month, the market administrator shall pay to each handler for payment to producers any amount by which the total value of his milk, computed pursuant to § 977.70, for such month is less than an amount computed by multiplying the hundredweight of milk received by him from producers during the month by the uniform price adjusted by the producer butterfat and location differentials. If at such time the balance is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the appropriate funds are available.

§ 977.84 Adjustment of errors in payments. Whenever verification by the market administrator of payments by any handler discloses errors made in payments to the producer-settlement fund, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 15 days, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler, the market administrator shall, within 15 days, make such payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer or cooperative association for milk received by such handler discloses payment of less than is required by § 977.80, the handler shall make up the difference of such payment not later than the next time for making payments as set forth in the provisions relating to payments which were in

§ 977.85 Butterfat differential to producers. The uniform price to be used pursuant to § 977.80 in making payments for producer milk shall be adjusted by adding or subtracting, as the case may be, for each one-tenth of one percent by which the average butterfat content of such milk is more or less than 3.5 percent, the appropriate amount as shown in the following schedule according to the average wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture for the month.

	muce
Butter price range (cents)	(cents)
17.499 or less	. 2
17.50 to 22.499	_ 21/2
22.50 to 27.499	_ 3
'27.50 to 32.499	- 31/2
32.50 to 37.499	. 4
37.50 to 42.499	4 1/2
42.50 to 47.499	_ 5
47.50 to 52.499	5 ½
52.50 to 57.499	_ 6 ~
57.50 to 62.499	- 61/2
62.50 to 67.499	
67.50 to 72.499	
72.50 to 77.499	
77.50 to 82.499	
82.50 to 87.499	
87.50 to 92.499	
92.50 and over	
80.00 ALLU UYEL	

§ 977.86 Location differentials to producers. In making payments for milk received from producers pursuant to § 977.80, the uniform price per hundredweight shall be reduced by the rate set forth in the following schedule according the shortest hard-surfaced highway distance, as determined by the market administrator, from the plant where the milk is received from producers or from which the milk is diverted, to the McCracken County Courthouse in Paducah. Kentucky

Distance from McCracken County
Courthouse (miles)
40 but less than 50.________20
For each additional 10 miles or fraction thereof an additional 1

§ 977.87 Marketing services—(a) Deductions for marketing services. Except as set forth in paragraph (b) of this section, each handler in making payments to producers pursuant to § 977.80 with respect to milk received from producers (excluding such handler's own farm production) shall deduct 5 cents per hundredweight, or such lesser amount as the Secretary may prescribe; and, on or before the 20th day after the end of the month, shall pay such deductions to the market administrator. Such moneys shall be expended by the market administrator to verify weights, samples, and tests of the milk of such producers and to provide such producers with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) Cooperative associations. In the case of producers for whom a cooperative association, which the Secretary determines to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section and which is not receiving payment for its producer members, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from the payments to be made to such producers pursuant to § 977.80 (b) as are authorized by such producers, and on or before the 20th day after the end of each month, pay over such deductions to the association rendering such services.

§ 977.88 Expense of administration. As his pro rata share of the expense of the administration of this order, each handler shall pay to the market admin-

istrator on or before the 15th day after the end of each month for such month 5 cents, or such lesser amount as the Secretary may prescribe, for each hundred-weight of skim milk and butterfat contained in (a) producer milk, (b) other source milk (except other source milk which was subject to the Class I pricing provisions of another order issued pursuant to the act) which is allocated to Class I, or (c) Class I milk distributed in the marketing area from a nonpool plant not partially exempt from the provisions of this order pursuant to § 977.61.

§ 977.89 Termination of obligations. The provisions of this section shall apply to any obligations under this order for the payment of moneys irrespective of when such obligation arose, except an obligation involved in an action instituted before May 1, 1950, under section 8c (15) (A) of the act or before a court.

- (a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:
- (1) The amount of the obligation, (2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled, and
- (3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.
- (b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator'so notifies a handler. the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representative.
- (c) Notwithstanding the provisions of paragraphs (a) and (b) of this section a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or wilful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.
- (d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to

be due him under the terms of this order shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 977.90 Effective time. The provisions of this part, or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 977.91 Suspension or termination. The Secretary shall, whenever he finds that any or all provisions of this part, or any amendment thereto, obstruct or do not tend to effectuate the declared policy of the act, terminate or suspend the operation of any or all provisions of this part or any amendment thereto.

§ 977.92 Continuing obligations. If, upon the suspension or termination of any or all provisions of this part, or any amendment thereto, there are any obligations thereunder the final accural or ascertainment of which requires further acts by any person (including the market administrator) such further acts shall be performed notwithstanding such suspension or termination.

§ 977.93 Liquidation. Upon the suspension or termination of the provisions of this part, except §§ 977.34, 977.89, and 977.91 through 977.93, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 977.100 Agents. The secretary may, by designation in writing, name any officer or employee of the United States to act as his agent and representative in connection with any of the provisions of this part.

§ 977.101 Separability of provisions. If any provisions of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining pro-

visions of this order, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D. C., this 14th day of January 1955, to be effective on and after February 1, 1955.

[SEAL]

EARL L. BUTZ, Assistant Secretary.

[F R. Doc. 55-457; Filed, Jan. 18, 1955; 8:52 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6207]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

RAM MANUFACTURING CORP ET AL.

Subpart—Misbranding or mislabeling: § 3.1330 Specifications or standards conformance. In the offering for sale, sale, or distribution of wearing apparel, or of any other merchandise, in commerce, representing, directly or by implication, by marking, branding, labeling, tagging, or in any other manner, that such merchandise was manufactured for the Armed Forces of the United States or in accordance with specifications of said Armed Forces; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719; as amended; 15 U. S. C. 45) [Cease and desist order, Ram Manufacturing Corp. et al., New York, N. Y., Docket 6207, Dec. 17, 1954]

In the Matter of Ram Manufacturing Corp., a Corporation and Harry I. Spiewak, Albert Spiewak and Fred Roth, Individually and as Officers of Said Corporation

This proceeding was heard by John Lewis, hearing examiner, upon the complaint of the Commission which charged respondents with the use of unfair and deceptive acts and practices and unfair methods of competition in commerce, in violation of the provisions of the Federal Trade Commission Act; respondents' answer and a stipulation by the parties which provided for the entry of a consent order disposing of one of the two principal charges in the complaint, and that respondents admitted all the jurisdictional allegations of the complaint and agreed that the record might be taken as if the Commission had made findings of jurisdictional facts in accordance with such allegations.

Said stipulation further provided that the answer theretofore filed by respondents was to be withdrawn as to the issues thereby disposed of; that the parties expressly waived a hearing before the examiner or the Commission, and all further and other procedure to which respondents might be entitled under the Federal Trade Commission Act or the rules of practice of the Commission, that respondents agreed that the order to cease and desist issued in accordance with said stipulation should have the same force and effect as if made after a

full hearing and that they specifically waived any and all right, power, or privilege to contest the validity of said order and that the complaint in the matter might be used in construing the terms of the order provided for in said stipulation, and that the signing thereof was for settlement purposes only and did not constitute an admission by respondents that they had violated the law as to those issues disposed of by said stipulation.

Thereafter, following approval of said stipulation for consent order by the Director and Assistant Director of the Commission's Bureau of Litigation, and its submission to said examiner for his consideration, in accordance with Rule V of the Commission's rules of practice; and the filing of motion by counsel in support of the complaint requesting that the remaining charge in the complaint be dismissed without prejudice for the reason that counsel did not have any information then available to controvert the facts with respect thereto, submitted by respondents in the form of an affidavit; said proceeding came on for final consideration by said examiner, theretofore duly designated by the Commission, on the complaint; the answer of respondents, which was deemed with-drawn as to the charge covered by the stipulation for consent order said stipulation, which was accepted and ordered filed as part of the record in the matter. and the motion of counsel supporting the complaint to dismiss the remaining portion thereof, as to which no opposition had been filed; and said examiner, having duly considered the record in the matter, made his initial decision in which he set forth the foregoing matters and made certain findings for jurisdictional purposes, and order, including order to cease and desist and order of dismissal as to certain allegations of the complaint as therein set forth.

No appeal having been filed from said initial decision of said hearing examiner, as provided for in Rule XXII of the Commission's rules of practice, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order, accordingly under the provisions of said Rule XXII became the decision of the Commission on December 17, 1954.

Said order is as follows:

It is ordered, That respondents Ram Manufacturing Corp., a corporation, and Harry I. Spiewak, Albert Spiewak and Fred Roth, individually and as officers of said corporate respondent, and respondents' agents, representatives and employees, directly or through any corporate or other device, in the offering for sale, sale or distribution of wearing apparel, or of any other merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, by marking, branding, labeling, tagging, or

in any other manner, that such merchandise was manufactured for the Armed Forces of the United States or in accordance with specifications of said Armed Forces.

It is further ordered, That the allegations of the complaint charging that said respondents have violated the Federal Trade Commission Act by representing that they own, operate, or control manufacturing facilities be, and the same hereby are, dismissed without prejudice.

By "Decision of the Commission and Order to File Report of Compliance," Docket 6207, December 17, 1954, which announced and decreed fruition of said initial decision, report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: December 17, 1954.

By the Commission.

[SEAL] ROBERT M. PARRISH, Secretary.

[F R. Doc. 55-482; Filed, Jan. 18, 1955; 8:47 a. m.]

[Docket 6128]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

BENMAR SALES CO.

Subpart-Using, selling, or supplying lottery devices: § 32475 Devices for lot-tery selling: § 3.2480 In merchandising. In connection with the offering for sale, sale, or distribution of watches or other articles of merchandise in commerce: (1) Supplying to or placing in the hands of others push cards, punchboards, or other lottery devices, either with other merchandise or separately which said push cards, punchboards, or other lottery devices are designed or intended to be used in the sale or distribution of said merchandise to the public; and (2) selling or otherwise disposing of any mechandise by means of a game of chance, gift enterprise, or lottery scheme; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Benjamin and Marshall Maltz trading as Benmar Sales Company, Chicago, Ill., Docket 6128, Dec. 17, 1954]

In the Matter of Benjamin Maltz, and Marshall Maltz, Individuals and Copartners Trading as Benmar Sales Company

This proceeding was heard by James A. Purcell, hearing examiner, theretofore duly designated by the Commission, upon the complaint of the Commission which charged respondents with the use of unfair and deceptive acts and practices in

² Filed as part of the original document.

commerce, in violation of the provisions of the Federal Trade Commission Act; respondents' answer and hearing at which testimony and other evidence, duly recorded and filed in the office of the Commission, in support of, and in opposition to, the allegations of said complaint, were received by said examiner.

Thereafter the proceeding came on for final consideration by said examiner upon the complaint, the answer, testimony and other evidence, and proposed findings as to the facts and conclusions presented by counsel, oral argument not having been requested, and said exammer, having duly considered the record in the matter, and having found that the proceeding was in the public interest, made his initial decision comprising certain findings as to the facts, conclusions drawn therefrom.1 and order.

Thereafter, following the appeal of respondent Marshall Maltz from said mitial decision, the matter was disposed of by "Order Modifying Initial Decision and Adopting Such Decision as Modified and Order to File Report of Compliance" Docket 6128, December 17, 1954, as follows:

This case having come on for hearing before the Commission upon the appeal filed by respondent Marshall Maltz from the initial decision of the hearing examiner and

The Commission having determined that the contentions urged by that respondent in support of the appeal are without merit and that the appeal should be denied; and

The Commission, for reasons stated in its opinion which is separately issuing herein, having additionally determined that the findings as to the facts and conclusion contained in the initial decision are free from substantial error and should be adopted but that the provisions of the order to cease and desist as contained in the initial decision are inappropriate and that the record requires that they be modified:

It is ordered, That the appeal from the initial decision be, and it hereby is, denied.

It is further ordered, That the prohibitory language of the order to cease and desist as contained in the initial decision be, and it hereby is, modified to read as follows:

It is ordered, That respondent Marshall Maltz, individually and trading under the name of Benmar Sales Company or under any other name or names. and his representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of watches or other articles of merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

- 1. Supplying to or placing in the hands of others push cards, punchboards, or other lottery devices, either with other merchandise or separately which said push cards, punchboards, or other lottery devices are designed or intended to be used in the sale or distribution of said merchandise to the public.
- 2. Selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise, or lottery scheme.

It is further ordered. That the initial decision, as modified herein, be, and it hereby is, adopted as the decision of the Commission.

It's further ordered, That the respondent Marshall Maltz, shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with the order contained in the initial decision as modified herein.

Issued. December 17, 1954.

By the Commission.

[SEAL]

ROBERT M. PARRISH, Secretary.

[F R. Doc. 55-433; Filed, Jan. 18, 1955; [F R. Doc. 55-435; Filed, Jan. 18, 1955; 8:48 a. m.l

TITLE 20—EMPLOYEES' BENEFITS

Chapter II-Railroad Retirement **Board**

PART 237-INSURANCE ANNUITIES AND LUMP SUMS FOR SURVIVORS

SUBPART H-APPLICATION FOR INSURANCE ANNUITIES AND LUMP SUMS FOR SUR-VIVORS

APPLICATION BY WIDOW WHO WAS IN RE-CEIPT OF SPOUSE'S ANNUITY OR WIDOW'S CURRENT INSURANCE ANNUITY

Pursuant to the general authority contained in section 10 of the act of June 24, 1937 (sec. 10, 50 Stat. 314, 45 U.S. C. 228j) Part 237 of the regulations under such act (12 F R. 2017) is amended by Board Order 55-2, dated January 4, 1955, by adding § 237.808 as follows:

§ 237.808 Application by widow who was in receipt of spouse's annuity or widow's current insurance annuity. The widow of an employee shall be deemed to have filed an acceptable application for a widow's insurance annuity in accordance with §§ 237.802, 237.803, and 237.805 in the month in which the employee died, or the widow attained age sixty if for the month next preceding such month the widow will have been, on the basis of the employee's employment, in receipt of a spouse's annuity or a widow's current insurance annuity (disregarding the application of section 2 (d) or 5 (i) (1) of the act) Provided, however That the annuity shall not continue to be paid to a widow for more than six months by reason of this section and her receipt of a spouse's annuity for the month preceding the employee's death.

(Sec. 10, 50 Stat. 314; 45 U. S. C. 228j)

Dated: January 12, 1955. By authority of the Board.

> MARY B. LINKINS, Secretary of the Board.

8:48 a. m.1

PROPOSED RULE MAKING

CIVIL AERONAUTICS BOARD [14 CFR Parts 40, 41, 42]

AUTHORIZATION FOR AIR TAXI OPERATORS TO CONDUCT OPERATIONS

EXTENSION OF EXPIRATION DATE OF CERTIFICATES

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board the issuance of a Special Civil Air Regulation to extend the expiration date of Special Civil Air Regulation No. SR-395 as hereinafter set forth.

Interested persons may participate in

¹ Filed as part of the original document.

the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board. attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rule, communications must be received by February 1, 1955. Copies of such communication will be available after February 3, 1955, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

On January 11, 1952, the Board adopted Special Civil Air Regulation No. SR-378 which provided that air taxi

operators, as defined in § 298.1 (a) (2) of Part 298 of the Board's Economic Regulations, shall be certificated and shall conduct operations in accordance with the provisions of Part 42 of the Civil Air Regulations. Subsequently on June 1, 1953, the Board rescinded SR-378 and adopted currently effective Special Civil Air Regulation No. SR-395, which extended the expiration date of air taxi operator certificates until February 20, 1955.

At the present time the economic exemptions provided for air taxi operators will expire on February 20, 1955. The Board has, however, published Economic Draft Release No. 71, dated December 21, 1954, which would make permanent the exemption authority now provided by Part 298. Since SR-378 and SR-395 were intended to run concurrently with the exemption authority provided by Part 298, it will be necessary to extend the provisions of Special Civil Air Regulation No. SR-395, should the Board decide to extend the exemptions granted by Part 298.

Part 42 of the Civil Air Regulations is presently undergoing revision. This proposed revision would make Part 42 applicable solely to large aircraft and it would be necessary to prepare a new part for the certification and operation of small aircraft (air taxi operators) Revised Part 42 and proposed regulations to cover air taxis are presently being prepared in draft release form, and it is estimated that they will be adopted by the Board in the near future. It therefore appears desirable in the interim to extend Special Civil Air Regulation No. SR-395 from its expiration date of February 20, 1955, until such time as new air taxi certification and operation rules become effective.

In view of the foregoing, notice is hereby given that, subject to the extension in whole or in part of the economic exemption authority contained in Part 298 of the Board's Economic Regulations, it is proposed to promulgate a Special Civil Air Regulation to read as

Notwithstanding the provisions of Parts 40 and 41 of the Civil Air Regulations, any air taxi operator as defined in § 298.1 (a) (2) of Part 298 of the Board's Economic Regulations shall be certificated and shall conduct operations in air transportation in accordance with the provisions of Part 42 of the Civil Air Regulations: Provided, That any air carrier operating certificate issued for air taxi operations which is in effect on, or issued after, the effective date of this regulation shall remain in effect until the expiration of this special regulation, unless such certificate is sooner surrendered, suspended, or revoked.

This special regulation shall remain in effect until such time as new air taxi certification and operation rules become effective, unless sooner terminated or rescinded by the Civil Aeronautics Board.

This regulation is proposed under the authority of title VI of the Civil Aeronautics Act of 1938, as amended, and may be changed in the light of comments received in response to this notice of proposed rule-making.

Dated: January 10, 1955, at Washington, D. C.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN, Director

[F R. Doc. 55-455; Filed, Jan. 18, 1955; 8:51 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service [7 CFR Part 929]

MILK IN EASTERN SOUTH DAKOTA MARKETING AREA

NOTICE OF EXTENSION OF TIME FOR FILING EXCEPTIONS

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S. C. 601 et seq.) and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900) notice is hereby given that the time for filing exceptions to the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposed marketing agreement and order regulating the handling of milk in the Eastern South Dakota marketing area is

hereby extended until January 25, 1955.

Dated: January 14, 1955, at Washington, D. C.

ROY W LENNARTSON, [SEAL]

Deputy Administrator

[F. R. Doc. 55-456; Filed, Jan. 18, 1955; 8:51 a. m.]

DIXIE STOCK YARD, INC., MERIDIAN, MISSISSIPPI

POSTING OF STOCKYARD

The Secretary of Agriculture has information that the Dixie Stock Yard, Inc., Meridian, Mississippi, is a stockyard as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 202) and should be made subject to the provisions of that act.

Therefore, notice is hereby given that the Secretary of Agriculture proposes to issue a rule designating the stockyard named above as a posted stockyard subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.) as is provided in section 302 of that act. Any interested person who desires to do so may submit, within 15 days of the publication of this notice, any data, views or arguments, in writing, on the proposed rule to the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25. D. C.

Done at Washington, D. C., this 13th day of January 1955.

[SEAL] H. E. REED. Director Livestock Division Agricultural Marketing Service.

[F R. Doc. 55-437; Filed, Jan. 18, 1955; 8:49 a. m.

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 1318, Amdt.]

LOUIS SCHUTTE

In re: Trust u/w of Louis Schutte, deceased.

Vesting Order 1318 is hereby amended to read as follows:

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40), Public Law 181, 82d Congress, 65 Stat. 451, Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp., 3 CFR 1945 Supp.) Executive Order 9788 (3 CFR, 1946 Supp.) and Executive Order 9989 (3 CFR, 1948 Supp.) and pursuant to law, after investigation, finding:

1. That Christopher Friese, Seehandel A. G. (Seehandle A. G.) Elly Friese, Catharine Vassmer, Anna D. Balleer, Frederick W Vassmer, Henrietta E. Reimann, Marie Vassmer, Eva Vassmer, Hildegarde Vassmer, and the domiciliary personal representatives, heirs at law,

next of kin, distributees and legatees of Christoph Jacob Vassmer, including, but not limited to, Marie Vassmer Loewer, Hans George Vassmer, Siegfried Vassmer, Gertrude Vassmer, Helmuth Vassmer, Ingrid Vassmer, and Hilde Vassmer, the last known address of each of whom is Germany, are all residents of Germany and nationals of a designated enemy country (Germany),

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof in and to the trust under the will of Louis Schutte, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany)

3. That such property is in the process of administration by the Tradesmen's National Bank and Trust Company surviving trustees, acting under the judicial supervision of the Orphans Court of Philadelphia County, Pennsylvania,

and it is hereby determined:

.4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the

national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9095, as amended by Executive Order 9193.

Executed at Washington, D. C., on January 13, 1955.

For the Attorney General,

[SEAL] DALLAS S. TOWNSEND, Assistant Attorney General, Director Office of Alien Property.

[F. R. Doc. 55-447; Filed, Jan. 18, 1955; 8:50 a. m.]

Bureau of Land Management

ALASKA

SMALL TRACT CLASSIFICATION ORDER NO. 94

JANUARY 12, 1955.

By virtue of the authority contained in the act of June 1, 1938 (52 Stat. 609. 43 U.S. C. 682a) as amended, and pursuant to Delegation of Authority contained in section 1.9 (o) Order No. 541 of April 21, 1954, Bureau of Land Management. I hereby classify as hereinafter indicated under the Small Tract Act of June 1, 1938 (52 Stat. 609 43 U. S. C. Sec. 682a) as amended, the following described public lands in the Fairbanks. Alaska, Land District:

SALCHA RIVER AREA; FAIRBANKS MERIDIAN

FOR LEASE AND SALE

For Residence and Recreational Sites

T. 4 S., R. 3 E.,

Sec. 13: NE1/4 SE1/4, SW1/4 SE1/4.

Containing approximately 80 acres.

Subject to valid existing rights and the provisions of existing withdrawals, this order shall not become effective to permit the initiation of any rights or any disposition under the public land laws until it is so provided by an order to be issued by the Administrator of Area 4. Bureau of Land Management, Anchorage, Alaska, opening the lands to application under the Small Tract Act, supra, with a ninety-one day preference right period for filing such applications by veterans of World War II and the Korean Conflict and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. Sec. 279) as amended. The lands described above will become subject to such an opening only after the completion of a subdivisional survey that will establish the identity of the individual parcels of land.

> HAROLD T. JORGENSON, Acting Area Administrator

[F R. Doc. 55-425; Filed, Jan. 18, 1955; 8:45 a. m.1

WYOMING

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

An application, serial number Wyoming 030960, for the withdrawal from all forms of appropriation under the public land laws of the lands described below, was filed on December 23, 1954, by the State of Wyoming for use by the State National Guard.

The purposes of the proposed withdrawal. For training of the National Guard or Air National Guard and for other military purposes.

For a period of 30 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the State Supervisor, Bureau of Land Management, Department of the Interior at Post Office Box 929, Cheyenne, Wyoming. In case any ob-

DEPARTMENT OF THE INTERIOR jection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application

SIXTH PRINCIPAL MERIDIAN

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T. 28 N., R. 66 W.,
   Sec. 5: Lots 1, 2, 3, 4;
    Sec. 6: Lots 1, 2, 3, 5, 6, E1/2 SW1/4, W1/2 SE1/4,
   Sec. 17 NW¼NE¼, W½SW¼, SE¼SW¼,
Sec. 20: N½NW¼, SE¼NW¼, NE½SW¼,
      N1/2 SE1/4, NE1/4.
T. 27 N., R. 67 W.,
Sec. 4: Lots 1, 2, 3, 4, S½N½,
Sec. 5: S½SW¼,
Sec. 7: Lot 1;
    Sec. 18: Lots 2, 3, NE1/4 SW1/4.
    Sec. 24. SE'4NE'4, NW'4SE'4.
T. 28 N., R. 67 W.,
   . 26 N., R. 51 W.,
Sec. 2: S½SW¼,
Sec. 3: NW¼SW¼, NE¼SE¼, S½S½,
Sec. 8: NW¼NE¼, S½NE¼,
Sec. 9: NW¼NE¼, NE¼NW¼, S½N½,
   N½S½,
Sec. 10: NW¼, N½SW¼, SE¼SW¼,
Sec. 14. N½NW¼, SW¼NW¼, NW¼SW¼,
Sec. 15: NE¼, SW¼SW¼, N½SE¼, SW¼
   SE'4,
Sec. 17 NE'4, NE'4SE'4,
   Sec. 20: NE¼, NE¼, SE,
Sec. 20: NE¼SE¼,
Sec. 21: W½SW¼,
Sec. 22: N½NW¼, SE¼SE¼,
Sec. 23: SW¼NE¼, NE¼NW¼, S½NW¼,
      SW¼,
   Sec. 24. E½NW¼.
Sec. 25: NW¼SE¼.
Sec. 27: E½NW¼, NE¼SW¼.
Sec. 28: SW¼NE¼, SW¼, W½SE¼,
   Sec. 29: NE1/4 SE1/4,
   Sec. 31. SE'4SE'4,
Sec. 33: All;
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The areas described aggregate 5,539.21

Sec. 35: NE1/4.

RALPH T. CARPENTER. Acting State Supervisor

[F R. Doc. 55-448; Filed, Jan. 18, 1955; 8:51 a. m.]

Bureau of Reclamation

COLORADO RIVER STORAGE AND YUMA PROJECTS, ARIZONA

ORDER OF REVOCATION

NOVEMBER 20, 1953.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7. 1949, (14 F R. 1937) I hereby revoke Departmental Orders of July 2, 1902, January 31, 1903, August 1, 1903, August 5, 1903, September 8, 1903, July 8, 1919, February 19, 1929, March 14, 1929, June 4, 1930, October 6, 1931, October 16, 1931, and August 28, 1934, insofar as said orders affect the following described lands: Provided, however That such revocation shall not affect the withdrawal of any other lands by said orders or affect any other orders withdrawing

or reserving the land hereinafter described.

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 11 N., R. 16 W., Secs. 19 to 36, inclusive, all.

T. 11 N., R. 17 W., Secs. 15 and 16, 22 to 26, inclusive, and 36, all.

T. 10 N., R. 18 W., Sec. 13, all.

T. 12 N., R. 18 W.,

Secs. 19 and 33, all. T. 9 N., R. 19 W.,

That portion lying east of the Colorado River Indian Reservation.

T. 10 N., R. 19 W.,

Secs. 23 to 26, inclusive, all; Sec. 34, Lots 5, 6, and 7, $\mathbb{E}\frac{1}{2}\mathbb{E}\frac{1}{2}$,

Secs. 35 and 36, all.

T. 12 N., R. 19 W.,

Secs. 1 to 4, inclusive, and 11 to 14, inclusive, all.

T. 13 N., R. 19 W.,

Secs. 32 to 36, inclusive, all. T. 6 N., R. 20 W.,

That portion lying east of the Colorado River Indian Reservation.

T. 7 N., R. 20 W.,

That portion lying east of the Colorado River Indian Reservation.

T. 14 N., R. 20 W., Secs. 4, 5, 8, 9, 16, 21, 26 and 27, all.

T. 15 N., R. 20 W., Secs. 31, 32, and 33, all. T. 15 N., R. 20½ W.,

Sec. 2, all. T. 16 N., R. 201/2 W.,

Sec. 34, all. T. 15 N., R. 21 W.,

Sec. 1, all.

T. 16 N., R. 21 W.,

Secs. 1 to 3, inclusive, 10 to 15, inclusive, and 23 to 26, inclusive, all;

Sec. 36, all. T. 17 N., R. 21 W.

Secs. 5, 9, and 22, all.

T. 18 N., R. 21 W., Sec. 7, all;

Sec. 18, E½, Secs. 29 and 32, all.

T. 20 N., R. 21 W.,

Secs. 4 to 9, inclusive, 16 to 21, inclusive, and 28 to 30, inclusive, all.
T. 2 N., R. 22 W.,
Sec. 3, Lots 1 and 2, S½NE¼, S½,

Secs. 10, 15, and 16, all;

Sec. 17, SE¼, Secs. 20 and 29, all;

Sec. 30, E½, Secs. 31 and 32, all.

T. 3 N., R. 22 W.,

Secs. 23 to 26, inclusive, and 35 and 36, all. T. 18 N., R. 22 W.,

Sec. 1, all. T. 19 N., R. 22 W.,

Secs. 11 and 14, all;

Sec. 15, lots 1 to 4, inclusive, E1/2 E1/2 Sec. 22, Lots 1 to 4, inclusive, E1/2 E1/2,

Secs. 23 and 26, all;

Sec. 27, Lots 1 to 4, inclusive, E1/2 E1/2,

Sec. 34, Lots 1 and 2, E1/2 NE1/4,

Secs. 35 and 36, all. T. 20 N., R. 22 W.,

Sec. 13, Lots 3 and 4, E½, E½SW¼, Sec. 16, S½,

Secs. 23 to 26, inclusive, all:

Sec. 35, Lots 4 and 5, NE1/4, N1/2 SE1/4.

T. 1 N., R. 23 W.,

Sec. 1, all;

Sec. 11, E1/2,

Secs. 12 to 14, inclusive, all;

Sec. 22, E1/2,

Secs. 23, 24, and 27, all:

Sec. 33, E1/2,

Sec. 34, all.

T. 2 N., R. 23 W.,

Sec. 36, E1/2.

T. 5 S., R. 21 W.,

Secs. 7 and 17, all.

T. 6 S., R. 21 W., Secs. 4, 9, 16, 21, 28, and 33, all. T. 4 S., R. 22 W., Secs. 26 to 30, inclusive, and 36, all. T. 1 S., R. 23 W., Secs. 5, 8, 17, 20, and 28, all; Sec. 29, E1/2, Sec. 32, E1/2 T. 2 S., R. 23 W., Sec. 5, Lots 1 and 2, S½NE¼, SE¼, Sec. 8, E1/2, Sec. 17, E1/2, Sec. 20, E1/2 Secs. 29 and 32, all. T. 3 S., R. 23 W., Secs. 5, 8, 17, 20, and 31, all. T. 4 S., R. 23 W., Secs. 7 and 25, all.

The above area aggregates approximately 123,540 acres.

W A. DEXHEIMER, Commissioner

[Misc. 65861]

JANUARY 13, 1955.

I concur. The records of the Bureau of Land Management will be noted accordingly.

Portions of the above-described lands are included in the Havasu Lake Wildlife Refuge, Migratory Bird Refuge, The Mojave Indian Reservation, Air Navigation Site, and the Yuma Army Test Station Withdrawals. Patented mining claims cover most of the S½S½, sec. 31, T. 11 N., R. 16 W

The lands are located in the Colorado River Valley along the east side of the River and extend south from Bullhead City to the Imperial Dam. Drainage is westerly to the Colorado River and the topography ranges from relatively level valley floor to rough, broken and washed areas on the eastern edge of the valley. Vegetation is for the most part cacti.

No application for the lands may be allowed under the homestead, desertland, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

This order shall not otherwise become effective to change the status of the described lands until 10:00 a.m. on the 35th day after the date of this order. At that time the said lands shall become subject to application, petition, location and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 91-day preference-right

filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747 43 U. S. C.

279-284) as amended.

Veterans' preference-right applications under the act of September 27, 1944 (58 Stat. 747 43 U. S. C. 279-284) as amended, may be filed on or before 10:00 a. m., on the 35th day after the date of this order, and those covering the same lands shall be treated as though simultaneously filed at that time. Applications filed under the act after that time and during the succeeding 91 days shall be considered in the order of filing. Ap-

plications by the general public under the public-land laws, filed on or before 10:00 a.m.. on the 126th day after the date of this order shall be treated as though simultaneously filed at that time, where the applications are for the same lands; otherwise, priority of filing shall govern.

Inquiries regarding the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Phoenix, Arizona

W G. GUERNSEY,

Associate Director Bureau of Land Management.

[F R. Doc. 55-426; Filed, Jan. 18, 1955; 8:46 a. m.]

CARLSBAD PROJECT, NEW MEXICO ORDER OF REVOCATION

DECEMBER 23, 1954.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954, I hereby revoke Departmental Order of January 18, 1915, insofar as said order affects the following described lands: Provided, however That such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the lands hereinafter described:

New Mexico Principal Meridian, New Mexico T. 21 S., R. 27 E.,

Sec. 19, SE1/4 NW1/4.

The above area aggregates 40 acres.

FLOYD E. DOMINY, Acting Assistant Commissioner [Misc. 1302663]

JANUARY 13, 1955.

I concur. The records of the Bureau of Land Management will be noted accordingly.

The tract lies on a rocky hillside near the outskirts of Carlsbad. It has some grazing value. The soil is made up of Caleche with considerable amount of limestone close to the surface. Principal vegetation is catclaw, mesquite, yucca, cacti, tabosa, and burro grass. Since there is no soil for practical agricultural use, the tract has no homestead or desert-land potentialities.

No application for the land may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the land has already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The land will not be subject to occupancy or disposition until it has been classified.

This order shall not otherwise become effective to change the status of the described land until 10:00 a.m. on the 35th day after the date of this order. At that time the said land shall become subject to application, petition, location and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 91-day preference-right

filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747 43 U. S. C. 279-284) as amended.

Veterans' preference-right applications under the act of September 27, 1944 (58 Stat. 747 43 U.S. C. 279-284) as amended, may be filed on or before 10:00 a. m., on the 35th day after the date of this order, and those covering the same land shall be treated as though simultaneously filed at that time. Applications filed under the act after that time and during the succeeding 91 days shall be considered in the order of filing. Applications by the general public under the public-land laws, filed on or before 10:00 a.m., on the 126th day after the date of this order shall be treated as though simultaneously filed at that time. where the applications are for the same land, otherwise, priority of filing shall govern.

Inquiries regarding the land shall be addressed to the Manager, Land Office, Bureau of Land Management, Santa Fe, New Mexico.

W G. GUERNSEY,
Associate Director
Bureau of Land Management.

[F R. Doc. 55-427; Filed, Jan. 18, 1955; 8:46 a. m.]

Office of the Secretary

[Order 2783]

COMMISSIONER OF INDIAN AFFAIRS

DELEGATION OF AUTHORITY WITH RESPECT TO CONTRACTS FOR SERVICES OF ENGINEER-ING AND ARCHITECTURAL FIRMS

JANUARY 12, 1955.

Section 1. Delegation of authority. The Commissioner of Indian Affairs is authorized to exercise, in accordance with Title III of the Federal Property and Administrative Services Act of 1949, as amended (41 U. S. C. 251 et seq.) the authority delegated to the Secretary of the Interior by the Administrator of General Services (20 F R. 12) to negotiate, without advertising, under section 302 (c) (4) of the act, contracts for the services of engineering and architectural firms when such services are incident to the activities and programs of the Bureau of Indian Affairs.

SEC. 2. Redelegation. The Commissioner of Indian Affairs may in writing, redelegate or authorize written redelegation of the authority granted in section 1 of this order. Each such redelegation shall be published in the Federal Register.

Douglas McKay, Secretary of the Interior

[F R. Doc. 55-428; Filed, Jan. 18, 1955; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-2075]

TRANSCONTINENTAL GAS PIPE LINE CORP.
ORDER FIXING DATE FOR ORAL ARGUMENCE

On December 8, 1954, Transcontinerital Gas Pipe Line Corporation filed an application for rehearing and stay of the

Commission's order issued November 9, 1954. By order issued December 22, 1954, the Commission granted rehearing upon the present record and stay pending further order of the Commission.

The Commission orders: Oral argument be held before the Commission on February 3, 1955, at 10:00 a.m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by said application.

Adopted: January 5, 1955. Issued: January 10, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY, Secretary.

[F R. Doc. 55-429; Filed, Jan. 18, 1955; 8:46 a. m.]

[Docket Nos. G-5260, G-5380]

SKELLY OIL CO. AND LONE STAR GAS CO.

ORDER DENYING MOTION TO DISMISS AND REQUEST FOR ORAL ARGUMENT, GRANTING INTERVENTION, CONSOLIDATING PROCEED-INGS, AND SPECIFYING PROCEDURE

In the matters of Skelly Oil Company Docket No. G-5380; Lone Star Gas Company v Skelly Oil Company Docket No. G-5260.

On October 29, 1954, Skelly Oil Company (Skelly) filed a notice of cancellation of its contract with and sale of gas to Lone Star Gas Company (Lone Star) In Docket No. G-5380, the Commission suspended the notice of cancellation pending hearing and ordered Skelly to show cause why it should not be required to continue its sale to Lone Star, why it should not be held to be a natural gas company and why it should not comply with sections 4 (d) and 7 (b) of the act.

Lone Star filed a complaint against Skelly at Docket No. G-5260, protesting the proposed cancellation of the rate schedule and contending that the abandonment is contrary to the public interest and adversely affects the health, safety and public welfare of ultimate consumers who are dependent upon the continuation of supply of natural gas by Skelly to Lone Star. Skelly has filed its answer to Lone Star's complaint. Skelly has also filed a plea to jurisdiction, motion and answer to Lone Star's petition to intervene in Docket No. G-5380, requesting dismissal of such proceeding and requesting oral argument on these matters before the Commission. In these filings Skelly states that it has terminated its sale and delivery of natural gas to Lone Star, in spite of the Commission's order issued November 30. 1954, suspending such notice of cancellation of rate schedule and deferring such termination until April 30, 1955.

The allegations in the application, motion, and answer of Skelly and in the complaint and petitions filed by Lone Star indicate that there are involved common questions of fact and law which arise from Skelly's action in terminating the sale and delivery of natural gas to Lone Star.

Lone Star operates an integrated natural gas pipe-line system through

which it transports natural gas in interstate commerce in the States of Oklahoma and Texas. We are well acquainted with the operations of such system and the disposition of gas purchased by and transported through such system, since its reorganization in 1944. See matter of Lone Star Gas Company 4 FPC 565, 589, 592; 5 FPC 932, 933; 6 FPC 563, 976, 978, 979, 981, 7 FPC 765, 977, 922, 1049 8 FPC 978; 9 FPC 831, 833, 834.

Under such circumstances, the sale and delivery of natural gas by Skelly to Lone Star, as we pointed out in our order of November 30, 1954, appears to be subject to the requirements of the Natural Gas Act. A hearing was scheduled for January 19, 1955, to provide Skelly with an opportunity to present evidence in support of its proposed termination of sale and delivery. In view of Skelly's subsequent action of terminating the sale in disregard of the Commission's order, Skelly shall have the opportunity of presenting evidence with regard to the justification for such action.

No useful purpose would be served by a separate hearing upon the complaint by Lone Star in Docket No. G-5260. Such relief as is sought by Lone Star, and is within the Commission's authority can be granted on the basis of the record to be established in Docket No. G-5380. Therefore we shall consolidate Docket No. G-5260 with Docket No. G-5380 in order that the hearing in Docket No. G-5380 may provide a basis for the disposition of both proceedings. Because of the short notice to Lone Star of the requirement of its participation in these proceedings, we shall postpone the requirement of advance service of exhibits and testimony from January 15 to January 17, 1955.

On January 6, 1955, Oklahoma Natural Gas Company, which is presently receiving the volumes of natural gas heretofore sold and delivered to Lone Star, filed an answer to the complaint in Docket No. G-5260, and on January 7 its petition to intervene in Docket No. G-5380.

The Commission finds:

(1) No useful purpose would be served by hearing oral argument on Skelly's motion to dismiss Docket No. G-5380 and request that Lone Star not be permitted to intervene in these proceedings prior to the hearing on Skelly's proposed termination and the Commission's order to show cause, and such motion and requests should be denied.

(2) The proceeding in Docket No. G-5260 should be consolidated for purposes of hearing and disposition with the proceeding in Docket No. G-5380 which has heretofore been set for hearing.

(3) The participation of Oklahoma Natural Gas Company in this proceeding is in the public interest.

The Commission orders:

(A) Oklahoma Natural Gas Company is hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: Provided, however That the participation of such intervener shall be limited to matters affecting asserted rights and interests specifically set forth in its petition for leave to intervene: and Provided, further That the admission of such inter-

vener shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) Skelly's motion for dismissal of Docket No. G-5380, request for demal of Lone Star's petition to intervene therein, and request for oral argument on such matters be and are hereby denied.

(C) The proceeding in Docket No. G-5260 be and is hereby consolidated for purpose of hearing and disposition with Docket No. G-5380.

(D) At the hearing to be held at 10:00 a. m. on January 19, 1955, in a Commission hearing room. Skelly shall proceed first and shall submit its complete direct case by introducing all testimony and evidence in support of its proposed notice of termination of sale to Lone Star, in response to the Commission order to show cause, with respect to the termination of such sale, and such other and further testimony and evidence as it may have to offer on the issues presented. Upon completion of the testimony and evidence of Skelly, cross-examination shall be undertaken with respect thereto. Thereafter, Lone Star shall introduce testimony and evidence in support of the relief sought in its complaint and material and relevant to the other issues in these proceedings. Upon completion of such testimony and evidence, crossexamination shall be undertaken with respect thereto. Thereafter, Oklahoma Natural Gas Company and other interveners, if any, and the Commission Staff shall have opportunity to present testimony and evidence pertinent to the issues in these proceedings, followed by cross-examination with respect thereto. Thereafter Skelly shall have opportunity to present evidence in rebuttal of evidence theretofor offered.

(E) The Presiding Examiner, for good cause shown or for the convenience of the parties, may permit the parties to deviate from the order of proceeding set forth in paragraph (D) above, where such deviation will not constitute a substantial departure from the order of proceeding specified therein.

(F) Skelly shall serve upon Lone Star and the Secretary of the Commission, and Lone Star shall serve upon Skelly and the Secretary of the Commission, not later than January 17, 1955, three copies of exhibits proposed to be offered at the hearing, as well as one copy of such exhibits upon each intervener which, prior to January 17, 1955, is granted permission to interven herein. If the parties intend to offer prepared testimony at the hearing, copies should be served as required of exhibits.

(G) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) 18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: January 5, 1955. Issued: January 10, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY, Secretary.

[F R. Doc. 55-430; Filed, Jan. 18, 1955; 8:47 a. m.]

[Docket Nos. G-2950, G-2951, G-6810, G-6811]

ARGO OIL CO. ET AL.

ORDER TO SHOW CAUSE, CONSOLIDATING PRO-CEEDINGS, FIXING DATE OF HEARING, AND SPECIFYING PROCEDURE

In the matters of Argo Oil Corporation, Brown and Wheeler, Continental Oil Company Fidelity Oil and Royalty Company Mound Company R. A. Welch, La Gloria Oil and Gas Company Magnolia Petroleum Company, The Ohio Oil Company, Phillips Drilling Corporation, Irene Sheerin, Individually and as independent executrix of the Estate of John J. Sheerin, C. C. Small and Binford Arney Trustees for Trust "B" for John Joseph Sheerin, Jr., James Lawrence Sheerin, and Robert Malcolm Sheerin, Sun Oil Company and Wiltex Corporation, Docket No. G-6810; Argo Oil Corporation and Magnolia Petroleum Company Docket No. G-6811, Texas Illinois Natural Gas Pipeline Company v. Argo Oil Corporation, et al., Docket No. G-Texas Illinois Natural Gas Pipeline Company v. Argo Oil Corporation and Magnolia Petroleum Company, Docket No. G-2950.

On September 22, 1954, Texas Illinois Natural Gas Pipeline Company (Texas Illinois) filed a complaint and petition against Argo Oil Corporation, et al. (including each of the parties named hereinabove, under Docket No. G-2951) which has been docketed in the files of this Commission as Docket No. G-2951, and a complaint and petition against Argo Oil Corporation (Argo) and Magnolia Petroleum Company (Magnolia) which has been docketed in the files of this Commission as Docket No. G-2950.

In its complaint and petition at Docket No. G-2951. Texas Illinois alleges that on various dates from September 9, 1954, through September 16, 1954, it received separate written notices from each of the parties listed in the above caption under Docket No. G-2951, stating that each proposes to terminate that certain contract dated January 25, 1950, relating to the sale of natural gas from the portion of the reserves owned by it and dedicated under such contract to the sale of natural gas from the area designated as the "La Gloria Area" in Jim Wells and Brooks Counties, Texas (hereinafter called the "La Gloria Area Contracts")

These notices of termination, filed as exhibits to the complaint and petition, are similar in language and identical in objective and purport to terminate the aforementioned contract pursuant to the provisions in Article VIII thereof, which reads in pertinent part as follows:

In the event, at any time during the continuance of this contract, any court or regulatory body having lawful jurisdiction shall by valid order reduce the price to be paid Sellers as provided herein, or shall enter a valid order having that practical effect, or in the event during the continuance of this contract the Federal Power Commission, or any regulatory body successor to its functions, shall by valid order impose regulation upon Sellers in respect to the production, gathering, processing, and sale of gas by Sellers under the provisions of this contract, then Sellers shall have the right at any time within sixty (60) days thereafter to term-

inate this contract by giving thirty (30) days written notice to the other party; • • •

The notices of termination further recite that this Commission has issued its Order No. 174-A, which the Sellers state imposes regulation upon them with respect to their operations under the January 25, 1950 contract, and then state that, without recognizing or admitting the validity of said order, such notices of termination constitute notice by Sellers to Texas Illinois, given within sixty days from the date of such order under the terms of the aforementioned contract, that Sellers thereby exercise their claimed right to terminate said contract. The notices of termination further recite that the effective date of termination will be thirty days from the date Texas Illinois receives the notice. and that, pending final determination of the validity of said order. Sellers are agreeable to continuing deliveries of gas in the same manner, at the same price, and subject to the same limitations as to amounts as is provided in said contract.

In the complaint and petition at Docket No. G-2950, Texas Illinois alleges that on September 13, 1954, it received separate written notices from Argo and Magnolia that each proposes to terminate that certain contract dated July 15, 1950, as amended March 1, 1952, relating to the sale of natural gas from the portion of the reserves owned by it and dedicated under such contract to the sale of natural gas from the area designated as the "Clayton Area" in Live Oak and McMullen Counties, Texas (hereinafter called the "Clayton Area Contract")

These notices of termination, filed as exhibits to the complaint and petition, purport to terminate the Clayton Area Contract under the provisions of an "escape clause" identical to that quoted with reference to the La Gloria Area Contract and are otherwise similar or identical to the notices of termination given with respect to the latter contract.

Texas Illinois in its complaints and petitions states that the notices of termination referred to above place in jeopardy more than 20 percent of its daily long-term supply of natural gas or approximately 104 million cubic feet of its daily requirements and may have serious effects on the health, safety and public welfare of hundreds of thousands of individual customers of the distributing companies which are dependent and rely upon the continued supply of gas from Texas Illinois. In addition, it is alleged that the proposed terminations of contracts may result in considerable monetary loss to that portion of the public which has either directly or indirectly furnished the approximately \$170,000,-000 invested by Texas Illinois in its pipeline system. Texas Illinois further states that all of its long-term gas supply contracts have "escape clauses" similar to that quoted herein, and that successful cancellation of the contracts involved herein may cause other suppliers to cancel their contracts in like manner.

Texas Illinois in its pleadings prays that the Commission issue an order requiring each of the Sellers under the La Gloria Area and Clayton Area Contracts

listed above to (f) comply with the requirements of sections 4 (c) and 4 (d) of the Natural Gas Act; (2) desist from curtailing deliveries in contravention of section 7 (b) of the act, or (3) show cause why each should not so comply or desist. Additionally Texas Illinois requests that the Commission find the "escape clauses" in the respective contracts null and void and institute a proceeding in a proper court to enjoin each of the Sellers listed above from abandoning or curtailing natural-gas deliveries to Texas Illinois and to obtain such an injunction or restraining order not later than October 8, 1954.

With respect to the La Gloria Area Contracts only Texas Illinois additionally complains that deliveries to it from the La Gloria Area have averaged only 35 MMcf per day since December 1, 1953, as compared to a daily average of 85 MMcf until August 1, 1953, and that such reduced deliveries are in violation of the Natural Gas Act, and requests appropriate relief and action by the Commission.

Responses to the complaints and petitions filed by Texas Illinois in Docket Nos. G-2951 and G-2950 have been filed by all of the parties listed in the above caption. Certain of the parties move to dismiss the complaints of Texas Illinois in Docket Nos. G-2951 and G-2950, but we find it appropriate and necessary in the public interest to defer action on such motions until our full consideration of the matters and issues involved in these consolidated proceedings on the merits.

We have heretofore noted ' that the sales to Texas Illinois under the La Gloria Area Contracts take place subsequent to processing of the gas at the gasoline plant of the La Gloria Oil and Gas Company (assignee of the La Gloria Corporation) and that the contract of January 25, 1950, between the Sellers from that field and Texas Illinois provides that delivery of the gas under the contract "shall be after completion of gathering and prior to transportation" (Article XII) and that such contract "is subject to all present and future valid laws and lawful orders of all regulatory bodies now or hereafter having jurisdiction of the parties" (Article XVII)

The facts with respect to the sales of natural gas to Texas Illinois indicate that each of the Sellers, listed above, under the decision of the United States Supreme Court in the Phillips case are natural-gas companies within the meaning of that term as used in the Natural Gas Act, and that those sales of natural gas are subject to the jurisdiction of the Commission.

The allegations in the complaints and petitions filed by Texas Illinois and the exhibits attached thereto indicate that the proposed terminations of contracts by the parties listed in the caption of the order and their projected future or actual past curtailment of deliveries of natural gas to Texas Illinois may be in violation of the provisions of the Natural Gas Act.

¹ Order issued August 16, 1954, In the Matater of Texas Illinois Pipeline Company, Docket No. G-2219.

² Phillips Petroleum Co. v. Wisconsin, et ak., 347 U. S. 672 (1954).

Magnolia Petroleum Company and The Ohio Oil Company referred to herein, filed petitions in the United States Court of Appeals for the Fifth Circuit to review Commission Order No. 174-A and that Court stayed further action by the Commission under that order during the pendency of the court review sought. The action which we are taking herein is brought under the Natural Gas Act and in no way relates to the regulations prescribed by Order No. 174-A, and of course is not intended to be and in our opinion is not, in violation of the stay issued by the Fifth Circuit in the two review cases, as that Court could not and did not attempt to set aside the requirements of the statute.

The Commission finds:

(1) It is necessary and appropriate in the public interest and for the purpose of carrying out the provisions of the Natural Gas Act, particularly sections 4 (d) 7 (b) 14, 15 and 16 thereof, that proceedings be instituted by the Commission on its own motion, requiring the Sellers of natural gas to Texas Illinois listed in the above caption to show cause. if any there be, why they and each of them should not be determined to be natural-gas companies within the meaning of that term as used in the Natural Gas Act, and why they and each of them should not be required to comply with the provisions of section 7 (b) of that act before abandoning any sales or service under the contracts herein referred to as the "La Gloria Area Contract" and the "Clayton Area Contract" or before curtailing the deliveries of natural gas under these contracts to Texas Illinois below the amounts specifically set forth

(2) It is appropriate in carrying out the provisions of the Natural Gas Act that the proceedings ordered herein be consolidated for the purpose of hearing with the complaints filed by Texas Illinois in Docket Nos. G-2951 and G-2950.

The Commission orders:

(A) Argo Oil Corporation, Brown and Wheeler, Continental Oil Company Fidelity Oil and Royalty Company Mound Company, R. A. Welch, La Gloria Oil and Gas Company Magnolia Petroleum Company The Ohio Oil Company Phillips, Drilling Corporation, Irene Sheerin. individually and as independent executrix of the Estate of John J. Sheerin, C. C. Small and Binford Arney, Trustees for Trust "B" for John Joseph Sheerin, Jr., James Lawrence Sheerin and Robert Malcolm Sheerin, Sun Oil Company and Wiltex Corporation, as Sellers of natural gas to Texas Illinois under the abovedesignated "La Gloria Area Contract" and Argo Oil Corporation and Magnolia Petroleum Company, as sellers of natural gas to Texas Illinois under the above-designated "Clayton Area Contract" jointly or severally, show cause, if any there be, at the hearing referred to in paragraph (C) hereof, why each of them shall not be determined to be a naturalgas company within the meaning of that term as used in the Natural Gas Act; why each of them should not be required forthwith to comply with section 7 (b) of that act before abandoning any sales or service under the above-designated "Clayton Area Contracts" and "La Gloria Area Contracts" between the Sellers and Texas Illinois; and why each of them should not be directed to sell and deliver its pro-rata volume of natural gas to Texas Illinois which, with the pro-rata volumes of all other Sellers, will aggregate the volumes of natural gas respectively specified in the above-designated contracts between the Sellers and Texas Illinois.

(B) The proceedings initiated by the complaints and petitions filed by Texas Illinois in Docket Nos. G-2951 and G-2950 be and the same hereby are consolidated with the proceedings instituted hereby in Docket Nos. G-6810 and G-6811 for the purposes of hearing and receiving in the consolidated dockets evidence material and relevant to the issues described in paragraph (A) hereof.

(C) Pursuant to the authority contained in and subject to the authority conferred upon the Federal Power Commission by the Natural Gas Act; including particularly sections 7, 14, 15, and 16, a public hearing be held, commencing February 7, 1955, at 10:00 a.m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented in this consolidated proceeding as set forth in paragraphs (A) and (B) above.

(D) At the hearing, (1) the Sellers, as enumerated in paragraph (A) above. shall proceed first with their cases, and shall introduce all testimony and evidence relating to such Sellers' operations and sales involved herein on which they base their claim that they are not natural-gas companies under section 1 (b) of the Natural Gas Act, subject to the provisions of such act, and such other and further testimony and evidence as Sellers may have to offer on other issues in the case. Upon completion of the testimony and evidence of such Sellers. cross-examination shall be undertaken with respect to such testimony and evidence. (2) Following such cross-examination Texas Illinois shall introduce such testimony and evidence relating to Sellers' operations and sales on which Texas Illinois bases its claim that such Sellers constitute natural-gas companies under section 1 (b) of the Natural Gas Act, subject to the provisions of the act, and thereafter shall introduce testimony and evidence pertinent to the other issues in the case. Upon completion of such testimony and evidence, cross-examination shall be undertaken with respect thereto. (3) Thereafter, interveners and the Commission Staff shall have opportunity to present testimony and evidence pertinent to the issues in the proceeding. Upon completion of such testimony and evidence, cross-examination shall be undertaken with respect thereto.

(E) The presiding examiner, for good cause shown or for the convenience of the parties, may permit the parties to deviate from the order of proceeding set forth in paragraph (D) hereof, where such deviation will not constitute a substantial departure from the order of proceeding specified therein.

(F) Action on the motions to dismiss the complaints of Texas Illinois in Docket Nos. G-2951 and G-2950 is hereby deferred for consideration and determination concurrently with our determination of the matters and issues involved in these consolidated proceedings on the merits.

(G) Evidence respecting alleged curtailment of deliveries of gas to Texas Illinois by Sellers under the above-designated "La Gloria Area Contract" shall not be presented at the hearing ordered in paragraph (C) hereof, but shall be presented at a hearing to be scheduled by subsequent order of the Commission.

(H) Existing customers of Texas Illinois desiring to intervene in the aboveentitled proceeding and actively participate at the hearing ordered in paragraph (C) hereof may intervene by filing appropriate applications with the Commission on or before January 31, 1955.

(I) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: January 5, 1955. Issued: January 10, 1955.

By the Commission.

LEON M. FUQUAY. Secretary.

[F R. Doc. 55-431; Filed, Jan. 18, 1955; 8:47 a. m.]

HOUSING AND HOME FINANCE **AGENCY**

Office of the Administrator

URBAN RENEWAL COMMISSIONER AND HHFA REGIONAL ADMINISTRATORS

DELEGATION OF AUTHORITY WITH RESPECT TO SLUM CLEARANCE AND URBAN RENEWAL PROGRAM, DEMONSTRATION AND URBAN PLANNING GRANT PROGRAMS

- 1. The Urban Renewal Commissioner (herein called the "Commissioner") and the HHFA Regional Administrator within his respective Region, each is hereby delegated the authority vested in the Housing and Home Finance Administrator to administer the provisions of Title I of the Housing Act of 1949, as amended (63 Stat. 414-421, as amended, 42 U.S.C. 1450-1460) and to administer the provisions of section 312 of the Housing Act of 1954 (68 Stat. 629) with respect to completion of certain projects in accordance with the provisions of Title I of the Housing Act of 1949, as amended, in force immediately prior to the effective date of the Housing Act of 1954, except-
- (a) The non-delegable final authorities vested in the Administrator pursuant to the second proviso of section 101 (c)
 - (b) The authority to:
- (1) Determine the rate of interest on loans and advances under sections 102 (a) and (b)
- (2) Issue notes or other obligations for purchase by the Secretary of the Treasury under sections 102 (e) and (f)
- (3) Exercise the powers under sections 106 (a) and (b) and the power to sue and be sued under section 106 (c)
- (c) In the case of the Commissioner. the authority to:

- (1) Approve an urban redevelopment plan or an urban renewal plan contemplating the provision of housing with mortgage insurance assistance under section 220 of the National Housing Act;
- (2) Execute legends on bonds, notes, or other obligations evidencing loans made pursuant to said Title I, indicating acceptance of such instruments and payments therefor and
- (d) In the case of an HHFA Regional Administrator, the authority to:
- (1) Approve applications for Federal aid and make allocations of funds authorizing Federal contracts;
- (2) Approve applications for authorization to proceed with other than Federal funds;
- (3) Make. reservations of capital grant funds;
- (4) Make determinations with respect to "Certificates of Completion and of Gross and Net Project Costs".
- (5) Suspend or terminate Federal assistance to projects;
- (6) Make determinations with respect to non-compliances or defaults under contracts;
 - (7) Approve the following documents:
 - (A) Preliminary Project Reports;
 - (B) Final Project Reports;
 - (C) Redevelopment Plans:
 - (D) Urban Renewal Plans;
- (E) Requisitions for loan payments through private financing;
- (F) Proposed land disposition contracts:
- (G) Proposed deeds, leases, and other instruments for the conveyance of project land where no land disposition contract is executed;
- (H) Proposed awards for land disposition not made to the highest bidder through free and open competitive bidding '
- (8) Make determinations with respect to the eligibility of and percentage of allowance for non-cash local grants-inaid.
- 2. The Commissioner is further authorized to:
- (a) Administer the provisions of section 314 of the Housing Act of 1954 (68 Stat. 629) with respect to grants for testing, and reporting developing. methods and techniques, and carrying out demonstrations and other activities for the prevention and elimination of slums and urban blight;
- (b) Administer the provisions of section 701 of the Housing Act of 1954 (68 Stat. 640) with respect to grants for urban planning; and
- (c) Designate any officer or employee of the Urban Renewal Administration to be acting head of any subunit of said Administration with power to perform the functions of the appointed head of the unit during the absence or disability of the appointed head of the unit.
- 3. The Commissioner is authorized to redelegate to such officers and employees of the Urban Renewal Administration as he may designate any of the authority hereby delegated to the Commissioner except the authority respecting:
 - (a) Reservations of grant moneys; (b) Allocations of advance, toan or
- grant funds; and

- subunits of the Administration.
- 4. Each Regional Administrator is authorized to redelegate to the Regional Director of Urban Renewal in his Region any of the authority hereby delegated to the Regional Administrator except the authority to:
- (a) Execute contracts for financial assistance, including waivers, changes, amendments, and revisions thereof;
- (b) Execute Letters to Proceed with non-Federal funds:
- (c) Execute Statements of Continued Obligation:
- (d) Approve requisitions for direct loan payments;
- (e) Approve requisitions for capital grant payments;
- (f) Concur in schedules of acquisition prices and program for acquisition of land:
- (g) Concur in Local Public Agency proposal to dispose of land to highest bidder.
- (h) Approve requisitions for advances: and
- (i) Approve contracts between local public agencies and third parties.
- 5. All official acts consistent with this order which were taken on or between the effective date of the Housing Act of 1954, August 2, 1954, and the effective date of this order are hereby ratified, confirmed, and approved in all respects as if such acts had been performed by the Housing and Home Finance Administrator.
- 6. This order supersedes the order entitled "Delegations of Authority with Respect to Administration of the Slum Clearance and Community Development and Redevelopment Program," effective August 1, 1953 (18 F R. 4528-9, August 1, 1953)

(Reorg. Plan No. 3 of 1947, 61 Stat. 954 (1947) Reorg. Order 1, 19 F R. 9303-5 (December 29, 1954) 62 Stat. 1283 (1948) as amended by 64 Stat. 80 (1950) 12 U.S.C., 1952 ed. 1701c)

Effective as of the 23d day of December

ALBERT M. COLE. Housing and Home Finance Administrator

[F R. Doc. 55-454; Filed, Jan. 18, 1955; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 43]

MOTOR CARRIER APPLICATIONS

JANUARY 14, 1955.

Protests, consisting of an original and two copies, to the granting of an application must be filed with the Commission. within 30 days from the date of publication of this notice in the Federal REGISTER and a copy of such protest served on the applicant. Each protest must clearly state the name and street number, city and state address of each protestant on behalf of whom the protest is filed (49 CFR 1.240 and 1.241) Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding un-

(c) Designations of acting heads of less an oral hearing is held. In addition to other requirements of Rule 40 of the general rules of practice of the Commission (49 CFR 1.40) protests shall include a request for a public hearing, if one is desired, and shall specify with particularity the facts, matters and things relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected. Requests for an oral hearing must be supported by an explanation as to why the evidence cannot be submitted in the form of affidavits. Any interested person, not a protestant, desiring to receive notice of the time and place of any hearing, prehearing conference, taking of depositions, or other proceedings shall notify the Commission by letter or telegram within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Except when circumstances require immediate action, an application for approval, under section 210a (b) of the act, of the temporary operation of motor carrier properties sought to be acquired in an application under section 5 (2) will not be disposed of sooner than 10 days from the date of publication of this notice in the Federal Register. If a protest is received prior to action being taken, it will be considered.

APPLICATIONS OF MOTOR CARRIERS OF PROPERTY

No. MC 665 Sub 45, MISSOURI-ARKANSAS TRANSPORTATION COM-PANY, a corporation, 1300 West 10th St., Joplin, Mo. For authority to operate as a common carrier over regular routes, transporting: General commodities, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between junction Arkansas Highway 59 and U.S. Highway 62, at Summers, Ark., and junction Arkansas Highway 59 and U.S. Highway 71, at Van Buren, Ark., over Arkansas Highway 59, serving no intermediate points, as an alternate or connecting route, in connection with carrier's regular route operations, (a) between Kansas City Kans., and Fort Smith, Ark., and (b) between Summers, Ark., and Fayetteville, Ark. Applicant is authorized to conduct operations in Arkansas, Kansas, Missouri, and Oklahoma.

No. MC 1103 Sub 10, EDWARD KOF-MAN, MAX H. KOFMAN, FREDA KOF-MAN GAINES, BENJAMIN KOFMAN AND JOSEPH KOFMAN, a partnership, doing business as KOFMAN'S, 130 Dunlap St., Bellefonte, Pa. Applicant's attorney Ernest L. Willard, Leitzell Bldg., State College, Pa. For authority to operate as a common carrier over irregular routes, transporting: Aluminum bails, loose or in packages; Aluminum blanks, stampings or unfinished shapes, nested or flat, and extrusions, in packages; Aluminum castings, loose or in packages; Aluminum forgings, in the rough, loose or in packages; Aluminum moldings, loose or in packages; Aluminum rods, in packages; Rejected aluminum scrap, loose or in briquettes, or packages; Rejected aluminum turnings,

aluminum borings, in packages, also volume in bulk, from Bellefonte. Pa.. to points in Massachusetts, Connecticut, Rhode Island, New York, New Jersey Delaware, Ohio, Indiana, Michigan, and Maryland. On return movements from the above-named destination points to the above-designated origin point, Bellefonte, Pa., applicant proposes to transport: Aluminum billetts, blooms, ingots, pigs, or slabs, loose or in packages; Aluminum borings, in packages, also volume in bulk: Aluminum scrap, loose, or in briquettes, or in packages; Aluminum turnings, in packages, also volume loose.

No. MC 2229 Sub 62, RED BALL MO-TOR FREIGHT, INC., P O. Box 3148, 1210 South Lamar St., Dallas, Tex. Applicant's attorney Reagan Sayers, Century Life Building, Fort Worth, Tex. For authority to operate as a common carrier over regular routes, transporting: Government-owned compressed gas trailers, loaded or empty and compressed gas moving in government-owned compressed gas trailers, from, to, and between all points presently authorized to be served in the performance of regular and alternate route operations in and through Arkansas, Louisiana, and Texas, as described in Certificates Nos. MC 2229, dated March 6, 1951, MC 2229 Sub 28, dated January 5, 1949, MC 2229 Sub 31, dated June 13, 1949, MC 2229 Sub 33, dated February 21, 1950, MC 2229 Sub 34, dated April 19, 1950, MC 2229 Sub 35, dated June 6, 1950, MC 2229 Sub 36, dated June 6, 1950, MC 2229 Sub 37, dated August 11, 1950, MC 2229 Sub 38. dated October 24, 1950, MC 2229 Sub 39. dated August 8, 1951, MC 2229 Sub 40, dated March 20, 1952, MC 2229 Sub 41, dated June 8, 1951, MC 2229 Sub 44, dated September 18, 1952, MC 2229 Sub 45, dated March 7, 1952, MC 2229 Sub 46, dated February 14, 1952, MC 2229 Sub 49, dated February 19, 1952, and MC 2229 Sub 54, dated March 15, 1954. The applicant is presently operating over all of the above-referred to presently authorized routes in the transportation of general commodities, with certain exceptions but is not presently specifically authorized to transport the commodities named in this application.

No. MC 2633 Sub 35, WILLIAM F CROSSETT, INC., Box 626, Warren, Pa. Applicant's attorney Harold G. Hernly 1624 Eye Street, NW., Washington 6, D. C. For authority to operate as a common carrier over irregular routes, transporting: Petroleum and petroleum products, in bulk, in tank vehicles, from Midland, Pa., to points in Erie and Niagara Counties, N. Y. Applicant is authorized to conduct operations in New York and Pennsylvania.

No. MC 9895 Sub 81, (Amended) published on page 8794 issue December 22, 1954, R. B. "DICK" WILSON, INC., P O. Box 838, Denver, Colo. Applicant's attorney Marion F Jones, 526 Denham Bldg., Denver 2, Colo. For authority to operate as a common carrier over irregular routes, transporting: Petroleum and petroleum products, in bulk, in tank vehicles, (1) between points in Nebraska and South Dakota, (2) between points in South Dakota west of the Missouri hand, and, on the other, points in Carter, Powder River, Big Horn, Yellowstone, Treasure, Rosebud, Custer, Fallon, Wibaux and Dawson Counties. Montana. (3) from points in Nebraska to points in Kansas; and (4) from points in South Dakota west of the Missouri River to points in Wyoming. Applicant is authorized to conduct operations in Colorado, Idaho, Kansas, Nebraska, South Dakota, Utah, and Wyoming.

No. MC 29910 Sub 42, THE ARKANSAS MOTOR FREIGHT LINES, INC., 401 South 11th Street, Fort Smith, Ark. Applicant's attorney Thomas Harper, Kelley Building, Fort Smith, Ark. For authority to operate as a common carrier over regular routes, transporting: General commodities, including commodities of unusual value, Class A and B explosives, and commodities in bulk, but excluding household goods as defined by the Commission, and commodities requiring special equipment, from Malvern, Ark., to Pine Bluff, Ark., from Malvern over U.S. Highway 270 to Pine Bluff, and return over the same route, as an alternate or connecting route, serving no intermediate points, in connection with the carrier's regular-route operations (1) between Malvern, Ark., on the one hand, and, on the other, Remmel Dam or Lake Catherine, Ark., and (2) between Pine Bluff, Ark., and Fordyce, Ark., and Movement of empty motor vehicle equipment used in connection with the carrier's regular route operations, from Malvern, Ark., to Pine Bluff, Ark., over the above-specified route. Applicant is authorized to conduct operations in Arkansas, Illinois, Kansas, Louisiana, Mississippi, Missouri, Tennessee, and Texas.

No. MC 39106, HARVEY TRANSFER COMPANY, a corporation, P O. Box 209. Franklin, Ohio. Applicant's attorney Richard H. Brandon, 810 Hartman Building, Columbus 15, Ohio. Petition for amendment and ressuance of Permit No. MC 39106, dated January 31, 1942 to include Paper roofing in the commodities to be transported as presently authorized in said Permit, namely Paper paper products, fibre boxes, and materials and equipment used or useful in the manufacture thereof, over regular routes, between Dayton, Ohio and Newport, Ky., and over irregular routes, between Middletown, Lockland, Franklin and Excello, Ohio, on the one hand, and, on the other, points in Ohio, Indiana, and Kentucky.

No. MC 43269 Sub 33, WELLS CARGO, INC., 1775 East Fourth Street, Reno, Nev Applicant's attorney Edward M. Berol, 100 Bush Street, San Francisco 4. Calif. For authority to operate as a common carrier over irregular routes. transporting: General commodities, including Class A and B and C explosives, and ammunition and component parts thereof but excluding household goods as defined by the Commission, and petroleum products, in bulk, between points (except local service between points in Monterey Santa Cruz, Santa Clara, San Mateo, San Francisco, Marin, Alameda, Contra Costa, and Napa Counties, Calif.) in Nevada and that part of California bounded by a line beginning

in packages, also volume loose; Rejected River and points in Nebraska, on the one at the California-Nevada State line and extending along California Highway 88 to junction California Highway 4, thence along California Highway 4 to Lake Alpine, Calif., thence directly south to junction California Highway 108, thence along California Highway 108 to junction California Highway 120, thence along California Highway 120 to junction U. S. Highway 50, thence along U. S. Highway 50 to Livermore, Calif., thence along unnumbered highway to Sunol, Calif., thence along California Highway 21 to junction California Highway 17, thence along California Highway 17 to junction U.S. Highway 101, thence along U.S. Highway 101 to Salinas, Calif., thence along an unnumbered highway to Castroville, Calif., thence west to the Pacific Ocean, thence along the shore of the Pacific Ocean to San Francisco, Calif., thence along U.S. Highway 40 to junction U.S. Highway 99W thence along U.S. Highway 99W to Redding, Calif., thence along U. S. Highway 299 to Alturas, Calif., thence along U.S. Highway 395 to the California-Oregon State line, thence along the California-Oregon State line to the California-Nevada State line, thence along the California-Nevada State line to point of beginning, including points on the indicated portions of the highways specified. Applicant states: Any authority granted as a result of this application to the extent that it duplicates that previously granted to the applicant shall not be construed as conferring more than one operating right.

> Note: Motion to Dismiss filed concur rently with instant application on the grounds that applicant is authorized to conduct the operations outlined above by virtue of Certificates issued by the Interstate Commerce Commission and presently held by applicant. Any interested person may obtain a copy of the motion upon request from applicant's attorney and replies thereto filed by a protestant will be considered if filed with the Commission within 40 days after date of publication of this notice in the FEDERAL REGISTER.

> No. MC 43716 Sub 19, BIGGE DRAY-AGE CO., a Corporation, 2387 Campbell Street, P O. Box 635—Bayshore Annex, Oakland 7, Calif. Applicant's attorney Wyman C. Knapp, 453 South Spring Street, Los Angeles 13, Calif. For authority to operate as a common carrier over irregular routes, transporting: Class A and B explosives, including ammunition, between points in Nevada.

> No. MC 50069 Sub 157, REFINERS TRANSPORT & TERMINAL CORPO-RATION, 2111 Woodward Avenue, Detroit 1, Mich. Applicant's attorney Wilhelmina Boersma, 2850 Penobscot Building, Detroit 26, Mich. For authority to operate as a common carrier over irregular routes, transporting: Formaldehyde, in bulk, in tank vehicles, from Toledo, Ohio, and points within five (5) miles thereof, to Milwaukee, Wis. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Kentucky Michigan, Minnesota, Missouri, New Jersey New York, Ohio, Pennsylvania, West Virginia, and Wisconsin.

No. MC 52657 Sub 468, ARCO AUTO CARRIERS, INC., 91st Street & Perry Avenue, Chicago, Ill. Applicant's attor-

ney G. W Stephens, 121 W Doty Street, Madison, Wis. For authority to operate as a common carrier over irregular routes, transporting: Trailers, other than those designed to be drawn by passenger automobiles, in initial movement, in truckaway and driveaway service. from Lancaster, Pa. to all points in the United States; tractors, in secondary movements, in driveaway service, only when drawing trailers moving in initial movement, in driveaway service, as described above, from Lancaster, Pa. to points in Alabama, Arizona, Arkansas, California, Colorado, Georgia, Idaho, Kansas, Louisiana, Maine, Mississippi, Montana, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Vermont, Washington, Wyoming, and the District of Columbia. Applicant is authorized to conduct operations in all points in the United States and the District of Columbia.

No. MC 55072 Sub 10, GEO. W HAUS-MAN, 1920 East Fourth Street, Waterloo, Iowa. Applicant's attorney William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. For authority to operate as a common carrier over irregular routes, transporting: Meats, meat products and meat by-products, and dairy products, as defined by the Commission in Ex Parte No. MC 38, from Waterloo, Iowa, to Decatur and Springfield, Ill. Applicant states he will surrender his certificate No. MC 55072 Sub 1, dated January 21, 1944, which authorized the transportation of fresh and cured meats, and lard, from Waterloo, Iowa, to Peoria and LaSalle, Ill., upon grant of the authority requested in this application. Applicant is authorized to conduct operations in Iowa and Illinois.

No. MC 59138 Sub 1, JOHN F BOOTH, doing business as MOTOR SERVICE COMPANY, Staples, Minn. For authority to operate as a contract carrier over irregular routes, transporting: Beer and malt beverages, from Milwaukee, Wis., to Brainerd, Minn., and empty containers or other such incidental facilities (not specified) used in transporting the commodities specified in this application, on return movement. Applicant is authorized to conduct operations in Wisconsin and Minnesota.

No. MC 59264 Sub 19, SMITH & SOLO-MON TRUCKING COMPANY, a corporation, How Lane, New Brunswick, N. J. For authority to operate as a common carrier over irregular routes, transporting. Class A and Class B explosives, between Baltimore, Md., and the Letterkenny Ordnance Depot, Chambersburg, RESTRICTION Applied-for au-Pa. thority to be restricted to traffic originating or terminating at points other than Baltimore, Md. Applicant is authorized to conduct operations in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Jersey New York, Pennsylvania, Rhode Island, Virginia, and the District of Columbia.

No. MC 59759 Sub 3, FOOD PROD-UCTS TRUCKING CO., A CORPORA-TION, 924 Caldwell Ave., Union, N. J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. For authority to operate as a contract car-

Such merchandise as is dealt in by wholesale, retail and chain grocery and food business houses, and in connection therewith, equipment, materials and supplies used in the conduct of such business, between Linden, N. J., on the one hand, and, on the other, points in Fairfield County, Conn. RESTRIC-TION The transportation service specified above must be performed under individual contracts or agreements, with persons (as defined in section 203 (a) of the Interstate Commerce Act) who operate retail stores, the business of which is the sale of food, of the comcomodities indicated. Applicant is authorized to conduct operations in New Jersey and New York.

No. MC 68807 Sub 22, BENJAMIN H. HERR, doing business as HERR'S MO-TOR EXPRESS, Quarryville, Pa. Applicant's representative: Bernard N. Gingerich, Quarryville, Pa. For authority to operate as a contract carrier over irregular routes, transporting: Table and/or drawer slides, from Genessee, Pa., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey New York, Ohio, Rhode Island, Virginia, West Virginia, and the District of Columbia, and return with empty containers or other such incidental facilities (not specified) used in transporting the above specified commodities. No. MC 76266 Sub 88, MERCHANTS

MOTOR FREIGHT, INC., 2625 Territorial Road, St. Paul, Minn. Applicant's attorney Jack Goodman, 39 South La-Salle St., Chicago 3, Ill. For authority to operate as a common carrier over regular routes, transporting: General commodities, except those of unusual value, and class A and B explosives, household goods as defined by the Commission, livestock, commodities in bulk, those requiring special equipment and those injurious or contaminating to other lading, (1) between Junction U. S. Highway 14 and Illinois Highway 83 and Junction Indiana Highway 51 and U.S. Highway 20, from junction U.S. Highway 14 and Illinois Highway 83 over Illinois Highway 83 to junction Illinois Highway 50, thence over Illinois Highway 50 to junction U.S. Highway 6, thence over U.S. Highway 6 to junction Indiana Highway 51. thence over Indiana Highway 51 to junction U.S. Highway 20 (also from junction U.S. Highway 6 and the Calumet Super-Highway over the Calumet Super-Highway to junction Tri-State Highway near Lansing, Ill., thence over the Tri-State Highway to junction In-

diana Highway 152, thence over Indiana

Highway 152 to junction U.S. Highway

6) and return over the same routes.

serving no intermediate points as an

alternate route in connection with ap-

plicant's regular-route operations over

U. S. Highways 14 and 20, (2) between

junction U.S. Highways 34 and 51 and

junction Illinois Highway 23 and U.S.

Highway 52, from junction U.S. High-

way 34 and 51 over U.S. Highway 51,

to junction U.S. Highway 52, thence

over U.S. Highway 52 to junction Illi-

nois Highway 23 and return over the

same route, serving no intermediate

points, as an alternate route in connec-

rier over irregular routes, transporting: tion with applicant's regular-route op-

Note: The termini are sought to be served as points of joinder only. (3) between Joliet, Ill., and junction U. S. Highway 6 and Illinois Highway 50, from Joliet over U. S. Highway 6 to junction Illinois Highway 50, and return over the same route, serving no intermediate points, as an alternate route in connection with applicant's regular-route operations over U. S. Highway 6.

Note: The junction of U. S. Highway 6 and Illinois Highway 50 is sought to be served as a point of joinder only. (4) between junction U. S. Highway 34 and Illinois Highway 23 and junction U. S. Highway 52 and Illinois Highway 23, from junction U. S. Highway 34 and Illinois Highway 23 over Illinois Highway 23 to junction U. S. Highway 52 and return over the same route, serving no intermediate points, as an alternate route in connection with applicant's regular-route operations over U. S. Highway 34 and Illinois Highway 23.

NOTE: The termini are sought to be served as points of joinder only. Applicant is authorized to conduct operations in Minnesota, Iowa, Illinois, Nebraska, Missouri, Colorado, and Wisconsin.

No. MC 76266 Sub 89, MERCHANTS MOTOR FREIGHT, INC., 2625 Territorial Road, St. Paul, Minn. Applicant's attorney Jack Goodman, 39 South LaSalle St., Chicago, 3, Ill. For authority to operate as a common carrier over regular routes, transporting: General commodities, except those of unusual value, and Class A and B explosives, household goods, as defined by the Commission, livestock, commodities. in bulk, those requiring special equipment and those injurious or contaminating to other lading, between St. Louis, Mo., and junction U.S. Highways 66 and 36. from St. Louis over U.S. Highway 66 to junction U.S. Highway 36, and return over the same route, serving no intermediate points.

Note: The junction of U. S. Highways 66 and 36 is sought to be served as a point of joinder only. Applicant is authorized to conduct operations in Minnesota, Iowa, Illinois, Nebraska, Missouri, Colorado, and Wisconsin.

No. MC 92983 Sub 115, ELDON MIL-LER, INC., 1030 Riverside Drive, Box 232, Iowa City Iowa. For authority to operate as a common carrier over irregular routes, transporting: Petroleum and petroleum products, in bulk, in tank vehicles, from Albany, Ill., to points in that part of Wisconsin on, west and south of a line beginning at the Illinois-Wisconsin State line and extending along U.S. Highway 51 to junction Wisconsin Highway 73, thence along Wisconsin Highway 73 to Columbus, Wis., thence along U.S. Highway 16 to junction Wisconsın Highway 157, thence along Wisconsin Highway 157 to Onalaska, Wis., and thence along U. S. Highway 53 to and including La Crosse, Wis. Applicant is authorized to conduct operations in Illinois, Iowa, Minnesota, Missouri, Nebraska, and Wisconsin.

No. MC 94871 Sub 7 (amended) published on page 149 issue January 5, 1955, FOX BROS., INC., P O. Box 395, Brookings, Oreg. Applicant's attorney Norman E. Sutherland, 1100 Jackson Tower, Portland 5, Oreg. For authority to operate as a common carrier, over irregular

routes, transporting: (1) Roofing and roofing materials, from San Francisco, Richmond, Pittsburg and Emeryville, Calif., to Brookings, Oreg., (2) tires and tubes, from San Francisco and Los Angeles, Calif., to Brookings, Oreg., (3) petroleum and petroleum products, viz... compounded oils or greases having a petroleum base, and anti-freeze, asphalt, benzol, insecticides, solvent, paint thinner stain and wax, in drums, barrels, cases or packages, from Richmond, Calif. to Brookings, Oreg., (4) caustic soda, in drums or bags, from Pittsburg, Calif., to Brookings, Oreg., and (5) soda ash and lime, in drums or bags, from San Francisco, Calif., to Brookings, Oreg. RE-STRICTION: Transportation of the above-specified commodities to be restricted to shipments weighing 20,000 pounds or more. Applicant is authorized to conduct operations in Oregon and California.

No. MC 101459 Sub 7, SKELLY DETECTIVE SERVICE, INC., 215 Bank Street, Fall River, Mass. For authority to operate as a common carrier over irregular routes, transporting: Gold, silver currency, valuable securities, jewelry and other property of very high value, requiring armored-car service, between Boston, Mass., and points in Bristol and Newport Counties, R. I. Applicant is authorized to conduct operations in Connecticut, Rhode Island, and Massachusetts.

No. MC 101459 Sub 8, SKELLY DE-TECTIVE SERVICE, INC., 215 Bank Street, Fall River, Mass. For authority to operate as a common carrier over irregular routes, transporting: Coin, bullion, currency, notes, drafts, and checks, between Boston, Mass., Providence, R. I., Hartford, Conn., New York, N. Y., Philadelphia, Pa., and Washington, D. C., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut. Applicant is authorized to operations in Connecticut. conduct Rhode Island, and Massachusetts.

No. MC 102567 Sub 40, EARL CLAR-ENCE GIBBON, doing business as EARL GIBBON PETROLEUM TRANSPORT. West First and Broadway, Bossier City La. Applicant's attorney Jo E. Shaw, First National Bank Bldg., Houston, Tex. For authority to operate as a common carrier over irregular routes, transporting: Petroleum and petroleum products, in bulk, in tank vehicles, from West Lake Charles, La., to Benton, Camden, Carlisle, Conway Clarksville, Dermott, De-Witt, Dumas, El Dorado, Fordyce, Fort Smith, Gurdon, Hamburg, Junction City Lake Village, Little Rock, North Little Rock, Malvern, Norman, Monticello, Morrilton, Paris, Pine Bluff, Russellville. Searcy Sheridan, Smackover, Star City Stuttgart, and Warren, Ark. Applicant is authorized to conduct operations in Arkansas, Louisiana, Mississippi, and

No. MC 103435 Sub 62, BUCKINGHAM TRANSPORTATION, INC., Omaha and West Boulevard, Rapid City S. Dak. Applicant's attorney Marion F Jones, Suite 526 Denham Building, Denver 2, Colo. For authority to operate as a common carrier, over regular routes.

transporting. General commodities, including Class A and B explosives, but excluding livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between (1) Omaha, Nebr., and Merriman, Nebr., over U.S. Highway 275 from Omaha to junction U.S. Highway 20, thence over U. S. Highway 20 to Merriman, and return over the same route, (2) Omaha, Nebr., and Sioux City, Iowa (a) over U. S. Highway 75, (b) over U. S. Highway 73 from Omaha to junction U.S. Highway 73E, thence over U.S. Highway 73E to junction U.S. Highway 77, thence over U.S. Highway 77 to Sioux City and return over the same route, and (c) over U.S. Highway 30A from Omaha to junction U.S. Highway 275, thence over U. S. Highway 275 to junction U. S. Highway 77, thence over U.S. Highway 77 to Sioux City and return over the same route, (3) Sioux Falls, S. Dak., and Sioux City Iowa, over U.S. Highway 77, (4) Sioux Falls, S. Dak., and Philip Junction, S. Dak., over U. S. Highway 16, (5) junction U.S. Highway 77 and South Dakota Highway 50, and the junction U.S. Highway 18 and South Dakota Highway 79, over South Dakota Highway 50 from junction U.S. Highway 77 to junction U.S. Highway 18, thence over U.S. Highway 18 to junction South Dakota Highway 79, and return over the same route, (6) Presho, S. Dak., and junction U. S. Highways 183 and 18, over U. S. Highway 183, (7) Kadoka, S. Dak., and junction South Dakota Highway 73 and U.S. Highway 18, over South Dakota Highway 73, (8) Martin, S. Dak., and Merriman, Nebr., over South Dakota Highway 73 from Martin to the South Dakota-Nebraska State line, thence over Nebraska Highway 61 to Merriman, and return over the same route, and (9) junction U.S. Highways 18 and 281, and O'Neill, Nebr., over U. S. Highway 281, serving no intermediate points, said routes to be utilized for travel or operating convenience purposes only in connection with regular route operations in and through Iowa, Nebraska, and South Dakota, with no service at terminal points other than at Omaha, Neb., Sioux City Iowa, and Sioux Falls, S. Dak., except for joinder purposes, and other than Class A and B explosives, restricted against use for the transportation of commodities with an origin or destination in the State of South Dakota other than those south of Rapid City and on and west of South Dakota Highway 79, and service at Sioux Falls to be restricted to pickup of fresh meat and packing house products destined to points west of South Dakota. Although the applicant herein is presently authorized to transport Class A and B explosives, and general commodities, with certain exceptions, as described in Certificates issued in Docket Nos. MC 103435 Sub 2, MC 103435 Sub 26, MC 103435 Sub 27, and MC 103435 Sub 59, over the majority of the above described routes an application is pending in Docket No. MC-F 5792 wherein the applicant herein is seeking permission to transfer certain presently outstanding authority, as described in said pending

application, to Barber Transportation Co. This application therefore is in effect a request to resecure travel or operating convenience routes to be divested in connection with the above-referred to pending transfer, if and when same is approved, and also to retain in the applicant any and all authority to operate over the above-described routes which the applicant herein now holds and does not propose to transfer to Barber Transportation Co. Applicant is authorized to conduct operations in Colorado, Iowa, Minnesota, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming.

Note: In view of circumstances as stated above the instant application is directly related to MC-F-5792 published under section 5 applications in issue of September 29, 1954, and republished as amended in issue of November 24, 1954.

No. MC 103729 Sub 2, STEPHEN NAGY, doing business as J. & S. DE-LIVERY SERVICE, 9 Stimpson Avenue, Linden, N. J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. For authority to operate as a contract carrier over irregular routes, transporting: Advertising matter paper or paperboard, between Elizabeth, N. J., on the one hand, and, on the other, points in the New York, N. Y., Commercial Zone as defined by the Commission, and Garden City N. Y. RESTRICTION: Service to be restricted to shipments accompanying shipments of bakery goods presently authorized to be transported.

No. MC 104782 Sub 1, BLUE LINE TRANSFER CO., INC., 1118 South 11th Street, Omaha 8, Nebr. Applicant's at-torney A. R. Fowler, Agt., Highway Tariff Bureau, 2288 University Ave., St. Paul W4, Minn. For authority to operate as a common carrier over irregular routes, transporting: General commodities, (including those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment. and those injurious or contaminating to other lading) and excepting Class A and B explosives, between Omaha, Nebr., on the one hand, and, on the other, La Platte, Nebr. and points in Nebraska within five miles of La Platte. Applicant is authorized to conduct operations in

No. MC 105217 Sub 32, RICE TRUCK LINES, a corporation, 712 Central Avenue West, Great Falls, Mont. Applicant's attorney Randall Swanberg, 527-529 Ford Building, Great Falls, Mont. For authority to operate as a common carrier over irregular routes, transporting: Petroleum and petroleum products, in bulk, in tank vehicles, from Casper, Wyo., and points within ten (10) miles thereof, to points in Montana. Applicant is authorized to conduct operations in Idaho, Montana, and Washington.

Nebraska.

No. MC 105906 Sub 4, HAAG TRUCK LINE, INC., 570 West 16th Street, Indianapolis, Ind. Applicant's attorney. John E. Lesow, 632 Illinois Bldg., Indianapolis 4, Ind. For authority to operate as a contract carrier over irregular routes, transporting: Animal feed and poultry feed, and ingredients thereof,

from Decatur, III., to Indianapolis, Ind. Applicant is authorized to conduct operations in Alabama, Illinois, Indiana, Kentucky and Tennessee.

No. MC 106398 Sub 22, NATIONAL TRAILER CONVOY, INC., P O. Box 8096 Dawson Station, 1916 N. Sheridan Road, Tulsa, Okla. For authority to operate as a common carrier over irregular routes, transporting: House trailers, cabin trailers, bungalow trailers, and mobile homes, in initial movements, in driveway service, from Sebring, Fla., to points in the United States including the District of Columbia. Applicant is authorized to conduct operations throughout the United States.

No. MC 106398 Sub 23, NATIONAL TRAILER CONVOY, INC., P O. Box 8096, Dawson Station, 1916 N. Sheridan Road, Tulsa, Okla. For authority to operate as a common carrier over irregular routes, transporting: House trailers, cabin trailers, bungalow trailers and mobile homes, in initial movements, in driveaway service, from Loveland, Colo., to points in the United States. Applicant is authorized to conduct operations in all points in the United States.

No. MC 107134 Sub 8, HIGHWAY TRANSPORTATION CORPORATION, P O. Box 144, Woodville, Ohio. Applicant's representative: Earl J. Thomas, Thomas Building, 5850 North High Street, Worthington, Ohio. For authority to operate as a contract carrier over irregular routes, transporting: (1) Lime, limestone, and fertilizer compounds, from Woodville, Ohio, and points within five miles of Woodville, to Chicago, Ill., and points in Indiana on and east of U. S. Highway 31, and (2) Lime, limestone and lime products, (a) between Woodville, Gibsonburg, Martin and Marblehead, Ohio, and points within five miles of each, on the one hand, and, on the other points in that part of Indiana west of U.S. Highway 31 and that part of the lower peninsula of Michigan north of Michigan Highway 21, including points on the indicated portions of the highways specified, and (b) from Gibsonburg, Martin and Marblehead, Ohio, and points within five miles of each, to Chicago, Ill., to points in Indiana on and east of U.S. Highway 31, and those in Michigan on and south of Michigan Highway 21. The extension requested in this application is that of enlarging the terminal area of the applicant's present authority from a one mile radius to a five mile radius. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky Michigan, Ohio, Pennsylvania, and West Virginia.

No. MC 107515 Sub 166, REFRIGER-ATED TRANSPORT CO., INC., 290 University Avenue, S. W., Atlanta, Ga. Applicant's attorney Allan Watkins, 214 Grant Building, Atlanta 3, Ga. For authority to operate as a common carrier over irregular routes, transporting: Meats, packinghouse products, and commodities used by packinghouses, as defined by the Commission in Ex Parte No. MC 45, and frozen foods, from Frankfort, Ind., to points in Georgia, Florida, Alabama, North Carolina, South Carolina, Mississippi, Louisiana and Tennessee. Applicant is authorized to conduct

operations in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia and Wisconsin.

No. MC 107515 Sub 167, REFRIGER-ATED TRANSPORT CO., INC., 290 University Avenue, S. W., Atlanta, Ga. Applicant's attorney Allan Watkins, Grant Building, Atlanta 3, Ga. For authority to operate as a common carrier over irregular routes, transporting: Candy, confectionery and chewing gum, from Atlanta, Ga., to points in Georgia, Florida, North Carolina, South Carolina, Tennessee, Mississippi, Alabama, and Louisiana.

No. MC 107527 Sub 23, POST TRANS-PORTATION COMPANY, a corporation, 3152 East 26th Street, Los Angeles 23, Calif. For authority to operate as a contract carrier over irregular routes, transporting: (1) Sulphuric acid, in bulk, in tank vehicles, from Dominguez and Vernon, Calif., to the United States-Mexico International Boundary line, at or near Calexico, Calif., and (2) liquid calcium chloride, in bulk, in tank vehicles, from Amboy Calif., and points within 25 miles thereof, to Las Vegas, Nev., and points within 50 miles thereof. Applicant is authorized to conduct operations in Arizona, California, Idaho, Montana, Nevada, Utah, and Wyoming.
No. MC 107544 Sub 27, LEMMON

No. MC 107544 Sub 27, LEMMON TRANSPORT COMPANY, INCOR-PORATED, P O. Box 387, Marion, Va. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington 6, D. C. For authority to operate as a common carrier over irregular routes, transporting: Petroleum and petroleum products, in bulk, in tank vehicles, as defined by the Commission in Ex Parte No. MC 45, from Abingdon, Bristol, Chilhowie, Pulaski, Richmond, Roanoke, St. Paul, and Wytheville, Va., to points in Virginia. Applicant is authorized to conduct operations in North Carolina, Tennessee, Virginia and West Virginia.

No. MC 107643 Sub 38, ST. JOHNS MOTOR EXPRESS CO., a corporation, 7220 North Burlington, Portland 3, Oreg. Applicant's attorney J. M. Hickson, 725 Yeon Building, Portland 4, Oreg. For authority to operate as a common caracter over irregular routes, transporting: Acids, chemicals, and chemicals in solution, in bulk, in tank vehicles, between points in Oregon. Applicant is authorized to conduct operations in Idaho, Montana, Oregon, Utah, and Washington.

No. MC 107643 Sub 39, ST. JOHNS MOTOR EXPRESS CO., a corporation, 7220 North Burlington, Portland 3, Oreg. Applicant's attorney J. M. Hickson, 725 Yeon Building, Portland 4, Oreg. For authority to operate as a common carrier over irregular routes, transporting: Acids, chemicals, and chemicals in solution, in bulk, in tank vehicles, between points in California, on the one hand, and, on the other points in Oregon and Washington. Applicant is authorized to conduct operations in Idaho, Montana, Oregon, Utah, and Washington.

No. MC 108067 Sub 5, AL ZEFFIRO bulk, in tank vehicles, between all points TRANSFER AND STORAGE, INC., 8th in Florida. Applicant is authorized to

Street and Meldon Ave., Donora, Pa. Applicant's attorney William S. Yard, Washington Trust Bldg., Washington, Pa. For authority to operate as a common carrier over irregular routes, transporting: Prefabricated houses, in pieces or in sections, heating systems, plumbing equipment, and hardware to be used in the erection and completion of such houses, from Belle Vernon, Pa., to points in New York, Ohio, Virginia, Maryland, West Virginia, Delaware, New Jersey, and the District of Columbia, and empty containers or other such incidental facilities (not specified) used in transporting the commodities specified above, and refused shipments, on return movements. Applicant is authorized to conduct operations in Delaware, Maryland, New York, Ohio, Virginia, West Virginia, and the District of Columbia.

No. MC 108228 Sub 8, J. A. MILES, JR., 314 E. Reynolds Street, Plant City, Fla. Applicant's attorney 'Wm. Reece Smith, Jr., P O. Box 3239, Tampa, Fla. For authority to operate as a common carner over irregular routes, transporting: Candy and confectioneries, from Chicago, Ill., to all points in North Carolina and South Carolina. Applicant is authorized to conduct operations in Connecticut, Florida, and Illinois.

No. MC 110420 Sub 81, QUALITY MILK SERVICE, INC., Calumet Street, Burlington, Wis. Applicant's attorney. Glenn W Stephens, 121 West Doty Street, Madison 3, Wis. For authority to operate as a common carrier over irregular routes, transporting: All liquid commodities, except petroleum products and milk, in bulk, in tank vehicles, between points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky Minnesota, Missouri, Michigan, Nebraska, Ohio, Pennsylvania, Tennessee and Wisconsin. Applicant is authorized to conduct operations in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Nebraska, New York, Ohio, Oklahoma, Pennsylvania, South Dakota, Texas, and Wisconsin.

No. MC 110698 Sub 52, MILLER MO-TOR LINE OF NORTH CAROLINA IN-CORPORATED, J. Frank Dickson, Trustee, Weinston Road, P O. Box 457, Greensboro, North Carolina. Applicant's attorney Frank B. Hand, Jr., Transportation Building, Washington 6, D. C. For authority to operate as a common carrier over irregular routes, transporting: Liquid glue, formaldehyde, and synthetic resins, in bulk, in tank vehicles. and glue hardener in containers, from points in North Carolina to points in Tennessee west of U.S. Highway 27. Applicant is authorized to conduct operations in Arkansas, Alabama, North Carolina, Georgia, South Carolina, Tennessee, Florida, Louisiana, and Mississippi.

No. MC 111045 Sub 3, REDWING CAR-RIERS, INC., Palm River Rd., Tampa, Fla. Applicant's attorney Frank B. Hand, Jr., Transportation Building, Washington 6, D. C. For authority to operate as a common carrier over irregular routes, transporting: Petroleum and petroleum products, as defined by the Commission in Ex Parte No. MC-45, in bulk, in tank vehicles, between all points in Florida. Applicant is authorized to

conduct operations in Florida under the second proviso of section 206 (a) (1) of the Interstate Commerce Act.

No. MC 112048 Sub 1, FRED C. SEE-GERS, Denver, Iowa. Applicant's attorney William A. Landau, 1307 East Walnut St., Des Moines 16, Iowa. For authority to operate as a common carrier over irregular routes, transporting: Fertilizer and fertilizer ingredients, from Prairie du Chien, Wis., to points in Chickasaw County Iowa. Applicant is authorized to conduct operations in Wisconsin and Iowa.

No. MC 112305 Sub 1, WILLIAM OS-BORN, 1528 Spruce Street, Stroudsburg, Pa. For authority to operate as a common carrier over irregular routes, transporting: General commodities, including commodities of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Stroudsburg, Pa., and points in Pennsylvania located within 40 miles of Stroudsburg, Pa., on the one hand, and, on the other, points in New Jersey located within 25 miles of Stroudsburg, Pa., service restricted to pick-up and delivery for, and interchange with, authorized motor carriers.

No. MC 114569 Sub 1, (amended) SHAFFER TRUCKING, INC., Elizabethville, Pa. Applicant's attorney James W Hagar, Commerce Building, Harrisburg. Pa. For authority to operate as a common carrier over irregular routes, transporting: Uncrated kitchen cabinets, component parts thereof and accessories moving in connection therewith, from Thompsontown, Pa., and points within three miles thereof, and Elizabethville, Pa., and points within five miles thereof, to points in Connecticut, Delaware, District of Columbia, Georgia, Illinois, Indiana, Maine, Maryland, Michigan, New York, New Jersey, New Hampshire, North Carolina, Ohio, Pennsylvania, Massachusetts, Rhode Island, South Carolina, Vermont and Virginia. and materials and accessories used in the manufacture of kitchen cabinets, and damaged uncrated kitchen cabinets component parts thereof and accessories moving in connection therewith on return movements.

No. MC 115084, W HOWARD LEIGHTY, 1200 North First Street, HOWARD Woodburn, Oreg. Applicant's attorney Earle V White, Jr., 1401 Northwest 19th Avenue, Portland 9, Oreg. For authority to operate as a common carrier over regular routes, transporting: General commodities, including household goods as defined by the Commission, but excluding Class A and B explosives, commodities of unusual value, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Portland, Oreg., and Woodburn, Oreg., (1) over U. S. Highway 99 E; (2) from Portland, over Oregon Highway 213 to junction U.S. Highway 99 E and thence over U. S. Highway 99 E to Woodburn, and return over the same route; (3) from Portland, over Oregon Highway 43 to junction U.S. Highway 99 E. and thence over U.S. Highway 99 E to Woodburn, and return over the same route; (4) from Portland, Oreg., over U. S.

Highway 99 W to junction Oregon Highway 217, and thence over Oregon Highway 217 to junction U. S. Highway 99 E, and thence over U. S. Highway 99 E to Woodburn, and return over the same route, serving all intermediate points on U. S. Highway 99 E between Aurora and Woodburn, including Aurora, and the off-route points of West Woodburn and Norman's Corner, Oreg.

No. MC 115102, BUREL F KINNEY,

No. MC 115102, BUREL F KINNEY, doing business as BUREL KINNEY TANK TRUCK SERVICE, Box 125, Sidney Nebr. Applicant's attorney J. Max Harding, 901 South 13th Street, Lincoln, Nebr. For authority to operate as a common carrier over irregular routes, transporting: Sand fracture oil, blended oils, acids, chemicals, and other liquids used in completion or reworking of oil wells, in bulk, in tank vehicles, between points in Colorado, Nebraska and Wyoming.

No. MC 115123, ALBERT A. SHAPIRO, doing business as VAN NUYS TRUCK-ING CO., 7463 Riverton Avenue, Sun Valley Calif. For authority to operate as a common carrier over irregular routes, transporting: Electric switch-boards and component parts thereof from Los Angeles, Calif., to points in Arizona and Nevada.

APPLICATIONS OF MOTOR CARRIERS OF PASSENGERS

No. MC 3647 Sub 178, PUBLIC SERV-ICE COORDINATED TRANSPORT, a corporation 80 Park Place, Newark, N. J. For authority to operate as a common carrier over irregular routes, transporting: Passengers and their baggage, in the same vehicle with passengers, in special operations, in round trip sightseeing or pleasure tours, beginning and ending at Newark, N. J. and extending to Annapolis, Md., restricted against pick up or discharge of passengers en route. Applicant is authorized to conduct operations in Delaware, New Jersey New York, Pennsylvania, Virginia, and the District of Columbia.

No. MC 3647 Sub 179, PUBLIC SERV-ICE COORDINATED TRANSPORT, a corporation, 80 Park Place, Newark, N. J. For authority to operate as a common carrier over a regular route, transporting: Passengers and their baggage, and express and newspapers, in the same vehicle with passengers, between Pine Hill, N. J., and Gloucester Township, N. J., over unnumbered Highways, via Erial, N. J., serving all intermediate points. Applicant is authorized to conduct operations in New Jersey New York, Pennsylvania, Virginia, and the District of Columbia.

No. MC 115116, SUBURBAN TRANSIT CORP., 750 Somerset Street, New Brunswick, N. J. Applicant's attorney James F X. O'Brien, 17 Academy Street, Newark 2, N. J. For authority to operate as a common carrier over regular routes, transporting: Passengers and their baggage, and express, newspapers and mail, in the same vehicle with passengers, (1) between Princeton, N. J., and New York, N. Y., from the junction of Witherspoon Street and New Jersey Highway 27, in Princeton, N. J., over Witherspoon Street to Valley Road, thence over Valley Road to Harrison Street North, thence over

Harrison Street North to Hamilton Avenue, thence over Hamilton Avenue to Snowdon Lane, thence over Snowdon Lane to junction New Jersey Highway 27, thence over New Jersey Highway 27 through Kingston and Franklin Park, N. J., to Suydam Street in New Brunswick, N. J., thence over Suydam Street to Commercial Avenue, thence over Commercial Avenue to junction New Jersey Highway 18, thence over New Jersey Highway 18 to the access roads to the New Jersey Turnpike in East Brunswick. N. J., thence over the access roads to the New Jersey Turnpike, thence over the New Jersey Turnpike to Secaucus, N. J., and the Lincoln Tunnel access roads. thence over the Lincoln Tunnel access roads to junction New Jersey Highway 3. in North Bergen, N. J., thence over New Jersey Highway 3 to junction Depressed Highway in North Bergen, N. J., thence over Depressed Highway to junction Elevated Highway to Weehawken, N. J., thence over Elevated Highway to the Lincoln Tunnel Plaza, and thence through the Lincoln Tunnel to New York. N. Y., and return over the same route: (2) between Princeton, N. J., and Franklin Township, N. J., from junction Valley Road and Harrison Street North in Princeton, N. J., over Valley Road to junction U.S. Highway 206, thence over U. S. Highway 206 to junction New Jersey Highway 518, thence over New Jersey Highway 518 through Rocky Hill, N. J., to junction New Jersey Highway 27 in Franklin Township, N. J., and return over the same route; and (3) between Metuchen, N. J., and Woodbridge Township, N. J., from the junction of Main Street and New Jersey Highway 27, in Metuchen, N. J., over New Jersey Highway 27 to junction Evergreen Avenue. thence over Evergreen Avenue to Ellersly Avenue, thence over Ellersly Avenue to Parsonage Road, thence over Parsonage Road to an unnamed street in Metuchen, N. J., thence over said unnamed street to Ford Avenue, thence over Ford Avenue to Amboy Avenue, in Fords, N. J., thence over Amboy Avenue to King George Road, thence over King George Road to junction New Jersey Highway 440, thence over New Jersey Highway 440 to junction U.S. Highway 9, thence over U. S. Highway 9 to junction of access roads to the New Jersey Turnpike in Woodbridge Township, N. J., and thence over the access roads to the New Jersey Turnpike, in Woodbridge Township, N. J., and return over the same route. Service is proposed to and from all intermediate points on the above described routes. RESTRICTION. No passengers will be picked up or discharged between junction New Jersey Highway 18 and access roads to the New Jersey Turnpike in East Brunswick, N. J., on the one hand, and New York City N. Y., on the other hand, except said restriction shall not apply on and along Route 3, between Metuchen, N. J., and Woodbridge Township, N. J.

BROKERS

No. MC 12618, MILTON MELVIN BRAUN, doing business as MULTI-CARRIER SERVICE, 536 Paterson Avenue, East Rutherford, N. J. Applicant's Representative: S. Maxwell Steiner &

Co., 19 West 44th Street, New York, 18. N. Y. For authority to engage in operations as a broker in arranging for the transportation in interstate or foreign commerce, by motor vehicle, of General commodities, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between all points in Connecticut, Delaware, Florıda, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia. Applicant proposes to maintain offices in Bergen County, N. J., and Manhattan, New York City N. Y.

No. MC 12621, GAUSEPOHL TRAVEL SERVICE, INC., 311 Board of Trade Building, Indianapolis, Ind. Applicant's attorney Louis E. Smith, 316-318 Chamber of Commerce Building, Indianapolis 4, Ind. For authority to conduct operations at Indianapolis, Ind., as a broker in arranging for the transportation of passengers and their baggage, in round-trip special or charter operations, beginning and ending at points in Indiana within twenty-five (25) miles of Indianapolis, Ind., including Indianaolis, Ind., and extending to all points in the United States, in interstate or foreign commerce, by motor vehicle.

APPLICATIONS UNDER SECTIONS 5 AND 210 (a) (b)

No. MC-F-5840. Virginia Stage Lines, Incorporated, purchase Trailways of New England, Inc., published in the December 1, 1954, issue of the Federal Register, page 7921. Supplemental application filed January 4, 1955, to show the controlling stockholders of vendee to be Samuel A. Jessup and Claude A. Jessup, 114 4th Street, S. E., Charlottesville, Va.

No. MC-F-5881. Authority sought for purchase by BOSTON AND SPRING-FIELD DESPATCH, INC., 121 Lyman St., Springfield, Mass., of the operating rights of VINCENT J. SUCATO, doing business as AUSTIN'S EXPRESS, 13-15 Verrazzano Blvd., Poughkeepsie, N. Y., and for acquisition by FRANCES M. WELSH, Springfield, Mass., of control of the operating rights through the purchase. Applicants' attorney William D. Traub, 60 East 42nd St., New York, N. Y. Operating rights sought to be transferred. General commodities, with certain exceptions, including household goods, as a common carrier over irregular routes, from, to, and between certain points in Massachusetts, New York, Connecticut, New Jersey Pennsylvania and Rhode Island; commodities classified (a) as meat, meat products and meat byproducts, (b) as dairy products, and (c) as articles distributed by meat packing houses in the appendix to the report in Modification of Permits of Motor Contract Carriers of Packing House Products, 46 M. C. C. 23, from Chicopee, Mass., to points in Litchfield County, Conn., and those in Ulster, Dutchess, Greene, Columbia, Orange, and Westchester Counties, N. Y., household goods, as defined by the Commission, between Pough-keepsie, N. Y., and points within 40 miles of Poughkeepsie, N. Y., on the one hand, and, on the other, points in Connecticut, Massachusetts, Rhode Island, New Jersey, and that part of Pennsylvania on and east of U. S. Highway 15. Vendee is authorized to operate in Massachusetts, Connecticut and Rhode Island. Application has been filed for temporary authority under section 210a (b)

No. MC-F-5882. Authority sought for purchase by CHEMICAL TANK LINES, INC., 520 East Lancaster Ave., Downingtown, Pa., of the operating rights and certain property of THOMAS E. COOK and HAROLD F FISCHER, doing business as LIQUID TRANSPORT, 1194 Juniper Ave., Akron, Ohio, and for acquisition by SAMUEL F NINESS, Downingtown, Pa., of control of the operating rights and certain property through the purchase. Applicants' attorney. Gerald L. Phelps, 600 Munsey Bldg., Washington, D. C. Operating rights sought to be transferred. Latex (liquid rubber, synthetic) in bulk, in tank vehicles, as a common carrier over irregular routes, from points in Summit County Ohio, to points in the lower peninsula of Michigan, and those in the Chicago, Ill., Commercial Zone as defined by the Commission, from Midland, Mich., to St. Louis and Kansas City Mo., points in Ohio. and those in the Chicago, Ill., Commercial Zone; from the boundary of the United States and Canada, near Port Huron, Mich., to Cleveland, Ohio from Akron, Ohio, to Decatur, Gadsden, and Fairfax, Ala., Burlington, N. C., Louisville, Ky., Milwaukee, Wis., Belcamp and Cumberland, Md., and St. Louis, Mo. Vendee is authorized to operate in New Jersey Kentucky Connecticut, Delaware, Illinois, Indiana, Maryland, Massachusetts, Michigan, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, Texas, Alabama, Missouri, Tennessee, Minnesota and the District of Columbia. Application has been filed for temporary authority under section 210a (b)

No. MC-F-5883. Authority sought for purchase by TRIANGLE EXPRESS AND TRANSFER COMPANY, 1300 No. Tenth Street, St. Louis, Mo., of the operating rights and property of HER-BERT H. STRUCKHOFF doing business as STRUCKHOFF TRANSFER COM-PANY, Augusta, Mo., and for acquisition by I. B. SCHEIBE and I. M. SCHEIBE. St. Louis, Mo. of control of the operating rights and property through the purchase. Applicant's attorney. Glenn W Stephens, 121 West Doty St., Madison. Wis. Operating rights sought to be transferred. General commodities, with certain exceptions including household goods, as a common carrier over regular routes, between Dutzow, Mo., and St. Louis, Mo., between Nona, Mo., and St. Louis, Mo., serving all intermediate points: livestock, feed, and fertilizer, over irregular routes, between Augusta, Mo., and points within 15 miles of Augusta, on the one hand, and, on the other, East St. Louis and National City, Ill. Vendee is authorized to operate in Missouri and Illinois. Application has

been filed for temporary authority under section 210a (b)

By the Commission.

[SEAL] GEORGE W LAIRB, Secretary.

[F R. Doc. 55-446; Filed, Jan. 18, 1955; 8:50 a. m.]

[4th Sec. Application 30120]

SODA ASH FROM WESTVACO, WYO., TO ST. LOUIS, MO., EAST ST. LOUIS, ALTON AND WOOD RIVER, ILL.

APPLICATION FOR RELIEF

JANUARY 13, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the aggregate-of-intermediates provision of section 4 (1) of the Interstate Commerce Act.

Filed by W J. Prueter, Agent, for carriers parties to schedule listed below.

Commodities involved. Soda ash, carloads.

From. Westvaco, Wyo.

To St. Louis, Mo., East St. Louis, Alton and Wood River, Ill.

Grounds for relief: Market competition.

Schedules filed containing proposed rates: W J. Prueter, Agent, I. C. C. No. A-3560, supp. 256.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission. in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently

By the Commission.

[SEAL] GEORGE W LAIRD, Secretary.

[F R. Doc. 55-399; Filed, Jan. 17, 1955; 8:47 a. m.]

[4th Sec. Application 30122]

COMMODITY RATES BETWEEN POINTS IN TEXAS

APPLICATION FOR RELIEF

JANUARY 13, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the aggregate-of-intermediates provision of section 4 (1) of the Interstate Commerce Act.

Filed by J. F Brown, Agent, for carriers parties to schedule listed below.

Commodities involved: Various commodities, carloads and less-than-carloads.

Between: Points in Texas.

Grounds for relief: Rail competition, circuity and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: J. F Brown, Agent, I. C. C. 807, supp. 64.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

George W Laird, Secretary.

[F R. Doc. 55-401; Filed, Jan. 17, 1955; 8:47 a. m.]

[4th Sec. Application 30123]

PERLITE AND VERMICULITE BRICK FROM, TO,
AND BETWEEN POINTS IN THE SOUTHWEST

APPLICATION FOR RELIEF

JANUARY 13, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-shorthaul provision of section 4 (1) of the Interstate Commerce Act.

Filed by F C. Kratzmeir, Agent, for carriers parties to schedules listed below.

Commodities involved: Brick, perlite, when made of perlite, plaster and cement, and brick, vermiculite, carloads.

Territory Between points in southwestern territory including adjacent points, between points in southwestern territory on the one hand, and points in western trunk line, Illinois and southern territories, on the other.

Grounds for relief: Rail competition, circuity, to maintain grouping, and additional related articles.

Schedules filed containing proposed rates: F C. Kratzmeir, Agent, I. C. C. 4069. supp., 14, F C. Kratzmeir, Agent,

I. C. C. 4020, supp. 126; F C. Kratzmeir, Agent, I. C. C. 3498, supp. 88.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As pro-vided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD,

Secretary.

[F R. Doc. 55-402; Filed, Jan. 17, 1955; 8:47 a. m.]

[4th Sec. Application 30124]

ZINC FROM THE SOUTHWEST TO POINTS IN NEW JERSEY AND PENNSYLVANIA

APPLICATION FOR RELIEF

JANUARY 13, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by F C. Kratzmeir, Agent, for carriers parties to schedule listed below. Commodities involved. Zinc, pig, slab

or spelter, and zinc anodes, carloads. From. Points in Arkansas, Oklahoma, and Texas.

To: Royce, N. J., Culbertson, Palmerton (East) and Palmerton (Delaware Ave.) Pa.

Grounds for relief: Competition with rail carriers, circuitous routes, and additional destinations.

Schedules filed containing proposed rates: F C. Kratzmeir, Agent, I. C. C. No. 4045, supp. 59.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investi-

gate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

GEORGE W LAIRD, Secretary.

[F R. Doc. 55-403; Filed, Jan. 17, 1955; 8:47 a. m.]

[4th Sec. Application 30125]

PILING, POLES AND RELATED ARTICLES FROM COOSAW S. C., TO WILMINGTON AND NAVASSA, N. C.

APPLICATION FOR RELIEF

JANUARY 14, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by Seaboard Air Line Railroad Company.

Commodities involved: Piling, poles, cross ties and switch ties, wooden, untreated, carloads.

From: Coosaw, S. C.

To: Wilmington and Navassa, N. C. Grounds for relief: Competition with rail carriers, circuitous routes, and competition with motor and motor-water carriers.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1297, supp. 69.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD, Secretary.

[F R. Doc. 55-441; Filed, Jan. 18, 1955; 8:50 a. m.]